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Forest and Agriculture Department

ORDER

10/1/79-AGR. Vol. VI

The following order by the Government of India Ministry of Agriculture (Deptt. of Agri & Coop), New Delhi which was published in the Extraordinary Gazette of India, Part II section 3 sub-section (i) is hereby republished in the Official Gazette for general information of the public.

(i) Order No. 13-3/86-FERT.Law dated 21-10-86.

A. P. Panvelkar, Under Secretary (FOR & AGRI).

Panaji, 20th November, 1986.

No. 13-3/86-FERT. LAW

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, 21-10-86

ORDER

G.S.R. — 1160(E) In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), The Central Government hereby makes the following order further to amend the Fertiliser (Control) Order, 1985, namely: —

1. (1) This Order may be called Fertiliser (Control) (Third Amendment) Order, 1986.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule I to the Fertiliser (Control) Order, 1985 (hereinafter referred to as the said order).

(1) Under the heading "Part-A. Specifications of Fertilisers" and sub-heading "1(f) Micronutrients", after serial number 2 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

| Name of Fertiliser | Specifications |
|--|--|
| 1 | 2 |
| 3. Borax (Sodium Tetraborate) ($\text{Na}_2\text{B}_4\text{O}_7 \cdot 10\text{H}_2\text{O}$) for soil application | i. Content of Boron as (B) per cent by weight, minimum 10.5 ii. Matter insoluble in water per cent by weight, maximum 1.0 iii. pH 9.0-9.5 iv. Lead (as Pb) per cent by weight, maximum 0.003 |
| 4. Solubor ($\text{Na}_2\text{B}_4\text{O}_7 \cdot 5\text{H}_2\text{O} + \text{Na}_2\text{B}_{10}\text{O}_{16} \cdot 10\text{H}_2\text{O}$) for foliar spray | i. Content of Boron (as B) per cent by weight, minimum 19.0 ii. Matter insoluble in water per cent by weight, maximum 1.0 iii. Lead (as Pb) per cent by weight, maximum 0.003 |
| 5. Copper Sulphate ($\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$) | i. Copper (as Cu) percent by weight, minimum 24.0 ii. Matter insoluble in water percent by weight, maximum 1.0 iii. Soluble Iron & aluminium compounds (expressed as Fe), percent by weight, maximum 0.5 iv. Lead (as Pb) percent by weight, maximum 0.003 v. pH not less than 3.0 |

| 1 | 2 | |
|---|--|---------|
| 6. Ferrous Sulphate ($\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$) | i. Ferrous iron (as Fe), percent by weight, minimum | 19.0 |
| | ii. Free Acid (as H_2SO_4), percent by weight, maximum | 1.0 |
| | iii. Ferric Iron (as Fe), percent by weight, maximum | 0.5 |
| | iv. Matter insoluble in water, percent by weight, maximum | 1.0 |
| | v. pH, not less than | 3.5 |
| | vi. Lead (as Pb) percent by weight, maximum | 0.003 |
| 7. Ammonium Molybdate ($(\text{NH}_4)_6\text{Mo}_7\text{O}_{24} \cdot 4\text{H}_2\text{O}$) | i. Molybdenum (as Mo), percent by weight, minimum | 52.0 |
| | ii. Matter insoluble in water per cent by weight, maximum | 1.0 |
| | iii. Lead (as Pb) per cent by weight, maximum | 0.003 |
| 8. Chelated Zinc as Zn-EDTA | i. Appearance - Free flowing crystalline/powder | |
| | ii. Zinc content (Expressed as Zn), per cent by weight minimum in the form of Zn-EDTA | 12.0 |
| | iii. Lead (as Pb), per cent by weight, maximum | 0.003 |
| | iv. pH | 6.0-6.5 |
| 9. Chelated Iron as Fe-EDTA | i. Appearance - Free flowing crystalline/powder | |
| | ii. Iron content (expressed as Fe), per cent by weight minimum in the form of Fe-EDTA. | 12.0 |
| | iii. Lead (as Pb) per cent by weight, maximum | 0.003 |
| | iv. pH | 5.5-6.5 |

(2) Under the heading "Part-B. Tolerance limits in plant nutrient for various fertilisers", after serial number 4 and the entries relating thereto, the following serial numbers and entries shall be added, namely:—

- | | |
|--|-----|
| 5. For Borax, Chelated Zinc-EDTA and Chelated iron-EDTA | 0.1 |
| 6. For Solubor, Copper Sulphate, Zinc Sulphate, Manganese Sulphate, and ferrous sulphate | 0.2 |
| 7. For ammonium molybdate | 0.5 |

(3) In Schedule-II to the said Order, under the heading "Part-B. Method of analysis of fertilisers".

(i) Under sub-heading "7. Method of analysis of Zinc Sulphate, Agricultural Grade", for serial number (iii) and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

"(iii) Determination of Zinc in Zinc Sulphate by modified EDTA titration method:—

(a) Reagents:

(1) E.D.T.A. Solution:

Dissolve 3.72 g of Di-sodium Ethylene Diamine Tetraacetate dihydrate in distilled water and make up the volume to 1 litre.

(2) Standard Zinc metal solution:

Weigh about 1.0 g of zinc metal and record the weight accurately. Express this as W. Add HCl (1.1) @ 20 ml per 9 of zinc metal. Keep it for few hours and allow it to dissolve completely. Make up the volume of the solution to exactly 1000 ml.

(3) Ammonium Hydroxide (20%) (m/m)

(4) Ammonium Chloride -AR grade salt.

(5)* Sodium Cyanide -AR/GR grade salt

(6) Eriochrome Black (T) indicator mixture

Mix thoroughly 1 g of Eriochrome Black (T) indicatory with 100 g of AR Grade sodium chloride.

(7) Formaldehyde-Acetic Acid solution (4%):

Dissolve 100 ml of Formaldehyde (37-40%) in about 100 ml of distilled water. Add 40 ml glacial Acetic acid and make volume to 1 litre with distilled water.

(8) Hydroxylamine Hydrochloride:

AR Grade solid salt.

Note: Distilled water means glass distilled water.

* To be used with extreme care.

(b) Procedure:

(1) Standardisation of EDTA solution:

- Take 10 ml of Zinc metal solution (standard).
- Add about 0.1 g of ammonium chloride and 30 ml of ammonium hydroxide solution (20%).
- Dilute it by adding about 30 ml distilled Water.
- Add a pinch of eriochrome black (T) indicator mixture. It will give red colour.

(E) Titrate it with EDTA solution to obtain clear blue end point. Note the Volume of EDTA used as V_1 ml.

(2) *Estimation of Zinc in samples:*

- (A) Weigh accurately 1.0 g of a given zinc sulphate sample and dissolve it in 100 ml of distilled water in a volumetric flask.
- (B) Take 10 ml of aliquot in beaker. Add 0.1 g of hydroxylamine hydrochloride and 0.1 g of ammonium chloride.
- (C) Cautiously add small quantity of sodium cyanide. White precipitate will appear. Continue adding sodium cyanide till white precipitate disappears while swirling the beaker with hand. Add about 0.5 g excess of sodium cyanide.
- (D) Dilute it by adding about 30 ml of ammonium hydroxide (20%) and add about 30 ml of distilled water.
- (E) Add a pinch of eriochrome black (T) indicatory mixture. It will give red colour.
- (F) Titrate with EDTA solution till there is a sharp change to violet colour. Note the volume of EDTA used as V_2 (ml).
- (G) Add 20 ml of Formaldehyde-acetic acid solution into above titrated solution and mix well. Red colour will reappear.
- (H) Titrate it with EDTA solution to get blue end point without red tinge. Note the volume of EDTA used in second titration as V_3 ml.

Calculation:

$$\text{Zinc \%} = \frac{10}{V_1} \times V_2 \times W$$

W = Weight in g of piece of Zinc metal taken for preparation of standard zinc solution.

V_1 = Volume of EDTA solution (in ml) used for 10 ml of Zinc metal solution.

V_2 = Volume of EDTA solution (in ml) used for second titration."

(2) After sub-heading "10. Alternative method of analysis of manganese sulphate, Agricultural Grade", and the serial number and entries thereto, the following sub-heading, serial numbers and entries shall be inserted, namely:—

"11. Method of analysis of Borax (Sodium Tetraborate decahydrate fertiliser)

(i) *Quality of reagents:*

Unless specified otherwise, pure chemicals and glass distilled water shall be used in tests.

Note: Pure chemicals means chemicals that do not contain impurities which affect the results of analysis.

(ii) *Determination of Boron:*

(A) *Atomic Absorption spectrophotometer method.*

(a) *Reagents:*

Standard Boron Solution - Weigh 44.095 g of sodium tetraborate decahydrate ($\text{Na}_2\text{B}_4\text{O}_7 \cdot 10\text{H}_2\text{O}$)-AR grade on clean watch glass and transfer it to one litre volumetric flask through the funnel giving several washings to watch glass and funnel with glass distilled water. Make the volume upto the mark. Stopper the flask and shake the solution well. This is 5000 ppm boron solution herein after called standard A. This solution should be stored in clean bottle for further use.

(2) *Preparation of working standards.*— Pipette the following volume of standard A in 50 ml numbered volumetric flasks and make the volume with water:

| Flask No. | Volume of standard A taken (ml) | Concentration of boron after making volume to 50 ml (ppm) |
|-----------|---------------------------------|---|
| 1. | 0.0 | 0.0 |
| 2. | 4.0 | 400 |
| 3. | 6.0 | 600 |
| 4. | 8.0 | 800 |
| 5. | 10.0 | 1000 |
| 6. | 12.0 | 1200 |
| 7. | 14.0 | 1400 |
| 8. | 16.0 | 1600 |

(b) *Procedure:*

(1) *Preparation of sample solution:—*

Weigh 2.500 g of the material on a clean watch glass and transfer it quantitatively in a 250 ml volumetric flask through the funnel giving repeated washing with water. Make up the volume, stopper the flask and shake well.

(2) *Flaming the solutions. —*

Flame the standards and the sample solution on atomic absorption spectrophotometer at a wavelength of 249.8 nm using nitrous oxide-acetylene flame. Calculations: Prepare a standard curve of known concentrations of boron solutions by plotting the absorbance value on Y-axis against their respective boron concentration on X-axis. Calculate the percentage boron in the given sample by multiplying boron concentration value obtained from standard curve by 0.01.

Example:

Wt of the fertiliser sample = 2.50g
 Volume made = 250 ml
 Dilution factor $\frac{250}{2.5} = 100$

Reading of sample from atomic absorption = Y

Corresponding concentration value of boron from standard curve against Y absorbance = X ppm
 percentage of boron in the sample = 0.01 X

(B) Titrametric method:**(a) Outline of the method:**

Borax is determined by first converting it to boric acid with hydrochloric acid and then titrating against Sodium hydroxide solution after complexing boric acid with mannitol or sorbitol.

(b) Reagents:

- (1) Standard hydrochloric acid-0.5N
- (2) Standard sodium hydroxide-1.0N
- (3) Methyl red indicator-Dissolve 0.1g of the material in 60 ml of rectified spirit and dilute with water to 100 ml.
- (4) Phenolphthalein indicator-Dissolve 1 g of the material in 100 ml of rectified spirit.

(c) Procedure:

- (1) Dissolve 3.0 g of the material, accurately weighed in 60 ml of water & titrate with hydrochloric acid, using methyl red solution as indicator.
- (2) Boil and cool the solution.
- (3) Add 20 g of mannitol or sorbitol, and titrate with sodium hydroxide, using phenolphthalein solution as indicator

Calculation:

Boron content, percent by weight

$$= \frac{1.0819.V.N}{W}$$

V = Volume in ml of standard sodium hydroxide used.

N = Normality of sodium hydroxide, and

W = Weight in g of the material taken for the test

(Ref — ISI — 1109 — 1980)

(iii) **Determination of matter insoluble in water.**
 Same as method No. 8 (vii) (a)

(iv) Determination of pH

Dissolve 3.8 g of the material in water and make it to 100 ml. Measure the pH value of the

solution with the help of suitable pH meter, using glass electrodes.

(v) Determination of Lead:

Same as method No. 8 (v). Substitute Zinc sulphate by borax.

12. Method of analysis of copper sulphate.
Fertilizer ($\text{Cu SO}_4 \cdot 5\text{H}_2\text{O}$)**(i) Quality of Reagents:**

Unless specified otherwise pure chemicals and glass distilled or demineralised water shall be used in tests.

Note: 'Pure chemicals' means chemicals which do not contain impurities which affect the results of analysis. Demineralised water, means the water obtained after passing distilled water through a cation and anion exchange resin or a combined cation-anion exchange resin.

(ii) Determination of Copper:**(A) Atomic absorption Spectrophotometer method:****(a) Reagents:**

As specified in 8(iv) (a) (1), (2) and (3)

(b) Procedure:

- (1) Weigh 0.25 g of the material on a clean watch glass and transfer it to one litre volumetric flask through the funnel giving repeated washings with glass distilled water. Add one ml of 10 per cent sulphuric acid and make up the volume.
- (2) Take 5 ml of the prepared solution in 500 ml volumetric flask and make up the volume. Shake the solution well and filter through Whatman No. 42 filter paper in dry clean flask. The flask should be rinsed with a 10 to 15 ml of the filtrate and then continue filtration.
- (3) **Flaming the solutions:** Flame the standards and the filtered samples on an atomic absorption spectrophotometer at a wavelength of 324.8 nm using air-acetylene flame.

Calculation:

Prepare a standard curve of known concentrations of Copper solution by plotting the absorbance values on Y-axis against their respective concentration values on X-axis

Percent, Copper in sample = $\frac{10 X}{W}$

Where W = Weight in g of the material taken for test.

X = Conc. of copper (in ppm) as determined from the graph.

(B) *By Iodometric Titration method:*(a) *Outline of the method:*

Copper is determined with the addition of potassium iodide and titrating the liberated iodine against standard sodium thio-sulphate solution.

(b) *Reagents:*

- (1) Sodium Carbonate — AR Grade.
- (2) Potassium Iodide — AR — Crystals.
- (3) Acetic Acid — AR grade.
- (4) Standard Sodium thiosulphate solution-0.1N.
- (5) Starch indicator solution — Triturate 5 g of starch and 0.01 g of mercuric iodide with 30 ml of cold water and slowly pour it with stirring into one litre of boiling water. Boil for three minutes. Allow to cool and decant off the supernatant clear liquid.
- (6) Potassium thiocyanate crystals.

(c) *Procedure:*

- (1) Dissolve about 1 g of the test sample (accurately weighed), in 50 ml of water.
- (2) Add a pinch of sodium carbonate till a slight turbidity appears. Then add 5 ml of acetic acid, 3 g of potassium iodide and titrate the liberated iodine with sodium thiosulphate solution, using starch as an indicator, until only a faint blue colour remains.
- (3) Add about 2 g of potassium thiocyanate, shake and continue the titration until the blue colour disappears.

Calculations:

$$\text{Copper, percent by mass} = \frac{6.35.V.N.}{M}$$

Where V = Volume in ml of standard sodium thiosulphate solution.

N = Normality of standard thiosulphate solution, and

M = mass in g of the sample taken for the test.

(Ref: IS-216 (1982).)

(iii) *Determination of Lead (Pb):*

Same as method No. 8 (v).

Substitute Zinc Sulphate by Copper Sulphate.

(iv) *Determination of Soluble Iron and Aluminium compounds (expressed as Fe).*

- (a) Outline of the method iron and aluminium are determined gravimetrically by precipitation with ammonium hydroxide.

(b) *Reagents:*

1. Concentrated nitric acid — AR grade
2. Ammonium Chloride — AR grade
3. Dilute Ammonium Hydroxide — approximately 15 per cent NH_3 (m/v)
4. Dilute Hydrochloric acid — 33 per cent (m/v)

(c) *Procedure:*

- (1) Take 10 g of the test sample and add 25 ml of water, 2 ml of nitric acid and 5 g of ammonium chloride.
- (2) Make the solution alkaline by adding ammonium hydroxide solution.
- (3) Keep it on a water bath until the precipitate has flocculated, keeping the solution alkaline by the addition of more ammonium hydroxide, if necessary.
- (4) Filter and wash the residue with dilute ammonium hydroxide.
- (5) Dissolve the residue in hot dilute hydrochloric acid.
- (6) Make the solution again alkaline by adding ammonium hydroxide and allow the precipitate to settle.
- (7) Filter and wash the residue with water.
- (8) Dry the residue, ignite and weigh till a constant mass is obtained.

Calculation:

Soluble iron and aluminium compounds (as Fe) per cent by mass = $\frac{70M_1}{M_2}$

Where M_1 = Mass in g of the residue obtained and

M_2 = Mass in g of the sample taken for the test

(Ref: IS: 261-1982)

(V) *Determination of matter insoluble in water*(a) *Reagents:*

- (1) Concentrated sulphuric acid — AR Grade

(b) *Procedure:*

Weigh accurately about 10 g of the test sample and dissolve in 100 ml of water. Add 3 ml of sulphuric acid and stir thoroughly at room temperature. Filter through a tared filter paper or tared Gooch or Sintered glass crucible (G. No. 4). Wash the residue with water till it is free from acid. Dry the filter paper or crucible in an oven maintained at a temperature of 105 to 110°C till constant mass is obtained.

Calculation:

$$\text{Insoluble matter, percent by mass} = \frac{M_1 \times 100}{M_2}$$

Where M_1 = mass in g of the residue obtained.

M_2 = mass in g of the material taken for the test.

(vi) *Determination of pH.*(a) *Procedure:*

Dissolve 5 g of the test sample in water and make up the volume to 100 ml. Determine the pH with glass electrodes using a suitable pH meter.

13. Method of Analysis of Ferrous Sulphate (heptahydrate) $\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$

(i) *Quality of Reagents:*

Unless specified otherwise, pure chemicals and glass distilled or demineralised water shall be used in tests.

Note: 'Pure Chemicals' means chemicals that do not contain impurities which affect the results of analysis. Demineralised water means the water obtained after passing distilled water through a cation & an anion exchange resin or a combined cation-anion exchange resin.

(ii) *Determination of Ferrous Iron:*

(a) Outline of the method-Ferrous iron content is determined by titration with standard potassium permanganate solution.

(b) *Reagents:*

1. Dilute Sulphuric acid — 4 N approximately.
2. Standard Potassium permanganate solution — 0.1 N.
3. Orthophosphoric acid.

(c) *Procedure:*

1. Weigh accurately about 5 g of the prepared sample and dissolve it in water.

2. Add 1 to 2 ml of dilute sulphuric acid and make up the solution to 250 ml in a volumetric flask.
3. Pipette out exactly 50 ml of the solution in a flask.
4. Add 10 ml of dilute Sulphuric acid and 2 ml of Ortho-phosphoric acid and titrate with standard potassium permanganate solution.

Calculation:

$$\text{Ferrous iron, percent by weight} = \frac{27.92 \text{ V.N.}}{W}$$

Where V = Volume of standard potassium permanganate used.

N = Normality of standard potassium permanganate solution.

W = Weight in g of the material taken for the test.

(Ref: IS: 262 — 1982)

(iii) *Determination of total iron:*

(A) Titrametric method using potassium dichromate.

(a) *Outline of the method:* Total iron is determined by reducing ferric iron with stannous chloride and then titrating the total ferrous iron with standard potassium dichromate solution.

(b) *Reagents:*

- (1) Concentrated hydrochloric acid.
- (2) Stannous chloride solution - Dissolve 6.0 g of stannous chloride crystals ($\text{SnCl}_2 \cdot 2\text{H}_2\text{O}$) in 60 ml of concentrated hydrochloric acid and dilute with water to 100 ml. Keep this solution in stoppered bottle.
- (3) Mercuric chloride solution-saturated.
- (4) Concentrated sulphuric acid.
- (5) Diphenylamine indicator-Dissolve 0.1 g of diphenylamine in 100 ml of concentrated sulphuric acid.
- (6) Standard potassium dichromate solution — 1.0 N.

(c) *Procedure:*

- (1) Weigh accurately about 5 g of the prepared sample and dissolve it in water.
- (2) Add 1 to 2 ml of dilute sulphuric acid and make up the volume to 250 ml in a volumetric flask.
- (3) Take 50 ml of aliquot of this solution and add 10 ml of concentrated hydrochloric acid and heat to boiling.

- (4) Reduce the iron by adding stannous chloride solution until the yellow colour of the ferric chloride disappears. Do not add more than 2 to 3 drops of stannous chloride in excess.
- (5) Cool the solution, add rapidly mercuric chloride solution and stir so that a white precipitate of mercurous chloride forms slowly, indicating that a slight excess of stannous chloride is present
- (6) Allow to stand for 5 to 10 minutes, dilute to 150 to 200 ml and add 5 ml of phosphoric acid and 5 drops of diphenylamine indicator. Titrate with standard potassium dichromate solution until the colour of the solution changes to a deep blue which does not fade on stirring.

Calculation:

$$\text{Total iron, percent by weight} = \frac{27.92 \text{ V.N.}}{W}$$

Where V = Volume in ml of potassium dichromate used in titration.

N = Normality of standard potassium dichromate solution and

W = Weight in g of the material present in the aliquot.

(Ref: IS: 262 — 1967)

B. Atomic Absorption Spectrophotometer Method:**(a) Reagents:**

- (1) Standard Iron solution — (1000 ppm) — weight accurately 1 g pure iron wire and put it in approximately 30 ml 6 N HCl, in a beaker and boil. Transfer it to one litre volumetric flask through the funnel giving several washings to the beaker & funnel with glass distilled water. Make the volume up to the mark. Stopper the flask and shake the solution well. This is 1000 ppm iron solution.
- (2) Glass distilled or mineralised water of pH 2.5 ± 0.5
- (3) Preparation of working standards — pipette 10 ml iron stock solution in 100 ml volumetric flask and dilute to volume. This is 100 ppm iron solution.

Pipette the following volumes of 100 ppm iron solution in 50 ml numbered volumetric flask and make the volume with acidified water.

| Plask No. | Volume of 100 ppm standard iron solution taken (ml) | Concentration of iron after making volume to 50 ml (ppm) |
|-----------|---|--|
| 1. | 0.0 | 0.0 |
| 2. | 1.0 | 2.0 |
| 3. | 2.0 | 4.0 |
| 4. | 3.0 | 6.0 |
| 5. | 4.0 | 8.0 |
| 6. | 5.0 | 10.0 |
| 7. | 6.0 | 12.0 |
| 8. | 7.0 | 14.0 |
| 9. | 8.0 | 16.0 |
| 10. | 9.0 | 18.0 |
| 11. | 10.0 | 20.0 |

Stopper the flask & shake the solution well.

(b) Procedure:

- (1) Preparation of ferrous sulphate fertiliser sample: Weigh exactly 1.000 g of the material on a clean watch glass & transfer it to a one litre volumetric flask through the funnel giving repeated washing with acidified water & dissolve the material by shaking well. Make the volume up to the mark with acidified water & shake well.
- (2) Take 5 ml of the prepared solution in 100 ml volumetric flask and make up the volume with acidified water. Shake the solution well and filter through whatman No. 42 filter paper in dry clean flasks. The flasks should be rinsed with a 10 to 15 ml of the filtrate and then continue filtration.
- (3) Flammng the solutions-Flame the standards and the filtered sample on atomic absorption spectrophotometer at a wavelength of 248.3 nm using clean air-acetylene flame.

Calculation:

Prepare a standard Curve of known concentrations of iron solutions by plotting the absorbance value on Y-axis against their respective iron concentrations on X axis. Determine the concentration of iron in the sample solution from the graph.

$$\text{Total iron \%} = \frac{2.X}{W}$$

Where X = Concentration of Fe (in ppm) obtained from the standard curve.

W = Weight in g of the material taken for the test.

- (iv) **Determination of Ferric iron.** — Subtract the value of Ferrous iron percent from Total iron per cent to obtain the Ferric iron per cent in the sample.
(Re: IS: 262-1967)

- (v) Determination of pH - Dissolve 5.0 g of the sample in 100 ml of freshly boiled and cooled water and determine the pH by means of a pH meter using glass electrode.
- (vi) Determination of matter insoluble in water - Same as method No. 8 (vii).
- (vii) Determination of Lead - Same as method No. 8(v), Substitute Zinc sulphate by ferrous sulphate.

14. Method of analysis of ammonium molybdate
 $(\text{NH}_4)_6\text{Mo}_7\text{O}_{24}\cdot 4\text{H}_2\text{O}$.

(i) **Quality of Reagents:**

Unless specified otherwise, pure chemicals and glass distilled or demineralised water shall be used in tests:

Note: 'Pure Chemicals' means chemicals that do not contain impurities which affect the results of analysis. 'Demineralised Water' means the water obtained after passing distilled water through a cation and anion exchange resins or a combined cation-anion exchange resin.

(ii) **Determination of Molybdenum:**

(A) **Atomic Absorption spectrophotometer method:**

(a) **Reagents:**

- (1) Potassium Sulphate — Dissolve 25 g of AR Potassium sulphate in 1 litre of distilled water.
- (2) Standard molybdenum solution — Weigh 1.5 g of molybdenum trioxide (MoO_3) and transfer it to one litre volumetric flask through funnel giving several washings to beaker and funnel with glass distilled water. Make up the volume upto the mark. This is 1000 ppm standard molybdenum solution.
- (3) Preparation of working standards—Pipette the following volume of 1000 ppm standard Mo solution in 100 ml numbered volumetric flasks. Add 20 ml of potassium sulphate solution to each flask and make up the volume to 100 ml. Stopper the flask and shake them well.

| Flask No. | Volume of 1000 ppm Mo solution taken (ml) | Volume of Potassium sulphate added (ml) | Concentration of molybdenum after making the volume to 100 ml (ppm) |
|-----------|---|---|---|
| 1. | 0.0 | 20.0 | 0 |
| 2. | 2.0 | 20.0 | 20 |
| 3. | 3.0 | 20.0 | 30 |
| 4. | 4.0 | 20.0 | 40 |
| 5. | 5.0 | 20.0 | 50 |
| 6. | 6.0 | 20.0 | 60 |

(b) **Procedure:**

- (1) Preparation of Ammonium Molybdate fertiliser sample: Weigh exactly 0.1 g of the material on the clean watch glass and transfer it to a 100 ml volumetric flask through funnel giving repeated washings and dissolve the material by shaking well. Make the volume upto the mark.
- (2) Take 10 ml of the prepared solution in a 100 ml volumetric flask, add 20 ml of potassium sulphate solution and make the volume upto the mark.
- (3) Flaming the solution: Flame the standards and the filtered samples on an atomic absorption spectrophotometer at a wavelength of 313.3 nm using nitrous oxide-acetylene flame.

Calculation:

Prepare a standard curve of known concentration of molybdenum solution by plotting the absorbance value on Y-axis against their respective molybdenum concentration on X-axis.

$$\text{percent of Mo} = \frac{X}{10 W}$$

Where X = Concentration of molybdenum (ppm) as obtained from the calibration curve.

= Weight in g of the material taken for the test.

(B) **Colorimetric Method for Determination of Molybdenum:**

(a) **Outline of the Method:**

Molybdenum (vi) in acid solution when treated with stannous chloride (best in the presence of a little ferrous ion) is converted largely into molybdenum (v). This forms a complex with thiocyanate ion, probably largely $\text{Mo}(\text{SCN})_5$, which is red in colour. The latter may be extracted with solvents possessing donor oxygen atoms (3-Methylbutanol is preferred). The colour depends upon the acid concentration (optimum concentration 1M) and the concentration of thiocyanate ion (1.0 per cent, but colour intensity is constant in the range 2-10 percent); it is little influenced by excess of stannous chloride. The molybdenum complex has maximum absorption at 465 nm.

(b) **Apparatus:**

1. Photometer — Any suitable photoelectric colorimeter.

(c) *Reagents:*

1. Standard molybdenum solution — (0.001 percent molybdenum) — weigh 0.184 g of A.R. Ammonium molybdate (NH_4)₆Mo₇O₂₄·4H₂O on a clean watch glass and transfer it to one litre volumetric flask through the funnel giving several washings to watch glass and funnel with glass distilled water. Make the volume upto the mark. Pipette out 10 ml of this solution into 100 ml volumetric flask and make the volume upto the mark. This gives 0.001 percent Mo solution.
2. Ferrous Ammonium Sulphate — Dissolve 10 g of AR ferrous ammonium sulphate salt in 100 ml of very dilute H₂SO₄.
3. Stannous chloride solution - Dissolve 10 g of AR stannous chloride dihydrate in 100 ml of 1 M-hydrochloric acid.
4. Potassium thiocyanate solution — Dissolve 10 g of AR potassium thiocyanate salt in 100 ml of distilled water.
5. Iso-amyl alcohol

(d) *Preparation of Sample:*

Weigh 0.1 g of sample on a clean watch glass and transfer it to one litre volumetric flask, through the funnel giving several washings to watch glass and funnel with glass distilled water. Make the volume upto the mark. Pipette out 5 ml of this solution into a 100 ml of volumetric flask and make up the volume upto the mark.

(e) *Procedure:*

- (1) Place 1.0, 2.0, 3.0, 4.0 and 5.0 ml of the 0.001 per cent molybdenum solution (containing 0.01 mg, 0.02 mg, 0.03 mg, 0.04 mg and 0.05 mg molybdenum) severally in 50 ml capacity separating funnels and diluting each with an equal volume of water.
- (2) Add to each funnel 2.0 ml of conc. HCl, 1.0 ml of ammonium ferrous sulphate and 3.0 ml of the potassium thiocyanate solution.
- (3) Shake gently and then introduce 3.0 ml of the stannous chloride solution.
- (4) Add water to bring the total volume in each separating funnel to 25 ml and mix.
- (5) Pipette 10 ml of redistilled 3-methylbutanol (iso-amyl alcohol) into each funnel and shake individually for 30 seconds.

- (6) Allow the phases to separate and carefully run out the lower aqueous layer.
- (7) Remove the glass stopper and pour the alcoholic extract through small plug of purified glass wool in a small funnel and collect the organic extract in a 1.0 cm absorption cell.
- (8) Measure the absorbance at 465 nm in a spectrophotometer against a 3-methylbutanol blank.
- (9) Plot absorbance against concentration of standard molybdenum solutions and draw the calibration curve.
- (10) Take 10 ml of the sample solution and determine the absorbance of it by subjecting it to the same treatment as the standard solutions, using calibration curve, determine the corresponding concentration of molybdenum in the sample solution.

Calculation:

$$\% \text{ Mo} = 2000 \frac{X}{Y \cdot W}$$

Where X = Concentration of molybdenum (in mg) of the test solution.

Y = Volume of sample solution taken for the test.

W = Wt in g of the material taken for the preparation of the sample solution.

(Ref: Vogel's Text Book of Quantitative analysis)

(iii) *Determination of matter insoluble in water:*(a) *Procedure:*

Dissolve 25.0 g of the material in 125 ml of water. Filter through a weighed and prepared Gooch crucible or sintered glass crucible (G.No. 4) and wash the residue thoroughly with water. Dry the crucible at $110^\circ \pm 8^\circ$ to constant mass.

(b) *Calculation:*

Matter insoluble in water percent by weight = $4A$ Where A = Weight in g of the residue.

(iv) *Determination of lead:*

Same as per method No. 8(v). Substitute zinc sulphate by ammonium molybdate.

15. *Method of Analysis of Chelated Zinc (As Zn-EDTA)*(i) *Reagents:*

- (a) EDTA Solution — (0.05M — Dissolve 18.612 g of disodium ethylene diamine tetraacetate dihydrate (EDTA) in distilled water & make up the volume to 1 litre.

- (b) Standard Zinc solution (1000 ppm)
Weigh accurately 1.0 g of zinc metal in a beaker. Add 20 ml HCl (1:1). Keep it for few hours and allow it to dissolve completely. Transfer the solution to 1 litre volumetric flask. Make the volume upto the mark.
- (c) Concentrated Ammonia solution (sp. gr. 0.88).
- (d) Ammonium Nitrate-AR grade salt.
- (e) Buffer solution (pH)-10 — Dissolve 8.0 g AR grade ammonium nitrate in 65 ml of water and add 35 ml of concentrated ammonia solution (sp. gr. — 0.88).
- (f) Eriochrome black (T) indicator mixture — mix thoroughly 1 gm of eriochrome black (T) indicator with 100 gm of AR grade potassium nitrate.
- (g) Hydroxylamine hydrochloride — AR grade.
- (h) Potassium cyanide — AR grade (to be used with extreme care) 15% aq. solution.
- (i) Manganese sulphate solution — Dissolve 11.15 g of AR grade manganese sulphate in 1 litre of distilled water.
- (j) Sodium Fluoride AR grade.

(ii) Preparation of sample solution:

Weigh accurately 1.0g of the sample and transfer it to 100 ml volumetric flask. Make up the volume with distilled water. Keep it overnight.

(iii) Procedure:

- (a) Standardisation of EDTA solution.
 - (1) Take 10 ml of zinc solution (standard).
 - (2) Dilute it by adding 30 ml distilled water.
 - (3) Add 10 ml of buffer solution and 30-40 mg of indicator mixture.
 - (4) Titrate with EDTA solution till clear blue end point is obtained. Note the volume of EDTA used as V_1 ml.
- (b) Standardisation of manganese sulphate solution.
 - (1) Take 25 ml of manganese sulphate solution.
 - (2) Dilute it by adding 100 ml distilled water.
 - (3) Add 0.25 g of hydroxylamine hydrochloride and 10 ml of buffer solution.
 - (4) Add 30-40 mg of indicator mixture.
 - (5) Titrate with EDTA solution till clear blue end point is obtained. Note the volume of EDTA used as V_2 ml.

(c) Determination of EDTA content of Zn-EDTA fertiliser

- (1) Take 10 ml of sample solution
- (2) Dilute it by adding 100 ml of distilled water.
- (3) Add 0.25 g of hydroxylamine hydrochloride.
- (4) Add 10 ml of buffer solution and 30-40 mg of indicator mixture.
- (5) Warm to 40°C and titrate with standard EDTA solution (preferably stirring magnetically) to clear blue end point. Note the volume of EDTA used as V_3 ml.
- (6) After the end point, add 2.5 g of sodium fluoride and stir for one minute.
- (7) Titrate the solution with standard manganese sulphate solution, slowly, till a permanent red colour is obtained. Note the volume of manganese sulphate added as V_4 ml.
- (8) Stir for 1 minute.
- (9) Titrate the excess of manganese ions with EDTA solution until the colour changes to pure blue. Note the volume of EDTA used as V_5 ml.
- (10) After the second end point (step 9) add 4-5 ml of 15% aqueous potassium cyanide solution.
- (11) Titrate it with manganese sulphate solution till colour changes sharply from blue to red. Note the volume of manganese sulphate solution added as V_6 ml.

Calculation:

Molarity of EDTA solution (M_1) = Molarity of standard zinc solution \times volume of standard zinc solution taken

Volume of EDTA used (V_1)

Molarity of standard manganese sulphate solution (M_2) = $M_1 V_2$

Volume of standard manganese sulphate solution taken

Nos of millimoles of EDTA used in titrating Zn + other metals (A) = $M_1 V_3$
No. of millimoles of EDTA liberated by sodium fluoride (B) = $M_2 V_4 - M_1 V_5$

Hence Nos of millimoles of EDTA used for titrating zinc (C) = A - B

But Nos of millimoles of EDTA liberated by KCN (D) = $M_2 V_6$

Hence No of millimoles of EDTA contained by Zn-EDTA sample = D - C

EDTA percent — 372.24 (D-C)

Percent of mangensium in the sample
= $24.31 \times B$

Percent of free zinc = $65.38 \times C$

Percent Zinc chelated with EDTA =
65.38 (D — C)

(Ref. Vogel's Text Book of Quantitative Inorganic Analysis)

16. Method of Analysis of Chelated Iron (As Fe-EDTA)

(i) Quality of reagents:

unless specified otherwise, pure chemicals and glass distilled or demineralised water shall be used in tests.

Note: 'Pure chemicals' means chemicals that do not contain impurities which affect the results of analysis. 'Demineralised Water' means the water obtained after passing distilled water through a cation and an anion exchange resins or a combined cation-anion exchange resin.

(ii) Determination of chelated iron:

(a) Reagents:

(1) Sodium hydroxide solution — 0.5 N, Dissolve 20 g NaOH in water & dilute to 1 litre.

(2) Disodium EDTA solution — 0.66%, dissolve 0.73 g of $\text{Na}_2\text{H}_2\text{EDTA} \cdot 2\text{H}_2\text{O}$ in water and dilute to 100 ml.

(3) Iron standard solution —

(A) Stock solution — (1000 ppm) Dissolve 1.000 g pure Fe wire in approximately 30 ml 6 N HCl with boiling. Dilute to 1 litre in a volumetric flask with distilled water.

(B) Intermediate solution. — (100 ppm). Pipette 10 ml iron stock solution and 10 ml $\text{Na}_2\text{H}_2\text{EDTA}$ solution in 100 ml volumetric flask and dilute to volume.

(C) Working solution — Pipette the following volumes of 100 ppm intermediate solution in 50 ml numbered volumetric flask and make the volume with 0.5 N HCl.

| Flask No. | Volume of 100 ppm standard iron solution taken (ml) | Concentration of Fe after making volume to 50 ml (ppm) |
|-----------|---|--|
| 1. | 1.0 | 2.0 |
| 2. | 2.0 | 4.0 |
| 3. | 3.0 | 6.0 |
| 4. | 4.0 | 8.0 |

| 1 | 2 | 3 |
|-----|------|------|
| 5. | 5.0 | 10.0 |
| 6. | 6.0 | 12.0 |
| 7. | 7.0 | 14.0 |
| 8. | 8.0 | 16.0 |
| 9. | 9.0 | 18.0 |
| 10. | 10.0 | 20.0 |

(b) Apparatus-Atomic Absorption Spectrophotometer with air/acetylene flame.

(c) Procedure

(1) Preparation of sample solution

(A) Weigh sample containing approximately 40 mg Fe into 200 ml tall form beaker.

(B) Wet with 2-3 drops of alcohol and dissolve in 100 ml of water.

(C) Add 4 drops of 30% H_2O_2 mix and adjust pH of solution to 8.5 with 0.5 N NaOH. If pH drifts above 8.8, discard solution and repeat analysis

(D) Transfer solution to 200 ml volumetric flask, dilute to volume with water and mix.

(E) Filter solution through quantitative paper.

(F) Pipette 10 ml filtrate into 200 ml volumetric flask and dilute to volume with 0.5 N HCl.

(2) Flaming the solution

Flame the standards and the sample solution on atomic absorption spectrophotometer at a wavelength of 248.3 nm using air acetylene flame. In same manner determine Fe blank on all reagents used.

Calculation:

Prepare a standard curve of known concentration of Fe solution by plotting the absorbance value on Y axis against their respective Fe concentration on X axis

$$\text{Chelated Iron \%} = \frac{(\text{ppm Fe in sample} - \text{ppm Fe in blank}) \times 0.4}{\text{g sample}}$$

(Ref. Method of analysis AOAC. 1984)

(iii) Determination of PH

As per method No. 8 (vi) (a)

(J. K. ARORA)

Joint Secretary to the Government of India

Law Department
Establishment Branch

Notification

3-21-83/LD

The following Notification No. P.0102/77 dated the 21st December, 1985 which has been issued by the High Court of Judicature at Bombay, is hereby published for general information of the public.

P. V. Kadnekar, Under-Secretary (Law).

Panaji, 10th February, 1987.

Notification by the High Court of
Judicature at Bombay

No. P. 0102/77

The Honourable the Acting Chief Justice and Judges of the High Court of Judicature at Bombay in exercise of the powers conferred under section 122 of the Code of Civil Procedure, 1908 and all powers enabling them in that behalf with the previous approval of Government of Goa, Daman and Diu are pleased to make following amendments to Schedule I of the Code of Civil Procedure, 1908. The said amendments shall come into force with effect from 1st day of April, 1987.

ORDER IV

(1) Substitute the following as rule 1 for the existing rule 1 of Order IV and marginal note:—

"1. (a) Every suit shall be instituted by presenting a plaint to the Court or such Officer as it appoints in this behalf.

Suit to be commenced by a plaint.

(b) The plaintiff shall, except in the Bombay City Civil Court, file as many true copies on plain paper of the plaint with annexures as there are defendants, for service with the summons upon the defendants, unless the Court by reason of the length of the plaint or the number of defendants or for any other sufficient reason permits him to present a like number of concise statements of the nature of the claim made or of the relief claimed in the suit, in which case, he shall present such statements. Such copies or statements shall be filed along with the plaint unless the Court, for good cause shown, allows time for filing such copies or statements.

2. Where the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or the defendant sues or is sued.

3. The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

4. The fee, chargeable for service of the summons upon the defendants, shall be paid when

the plaint is filed or within such time as may be extended by the Court.

5. Every plaint shall comply with the rules contained in Orders VI and VII so far as they are applicable".

ORDER V

(1) In Order V for the existing rule 2 and its marginal note substitute the following:—

2. Every summons, except in the case of one issued by the City Civil Court, shall be accompanied by a copy of the plaint with annexures, or if so permitted, by concise statement.

Copy of plaint to accompany summons.

(2) In Order V, for the existing rule 4 substitute the following:—

"4. No party shall be ordered to appear in person unless he resides—

(a) within the local limits of the Court's Ordinary Original jurisdiction, or

(b) without such limits but at a place less than 100 or (where there is railway or steamer communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where the court is situate), less than five hundred kilometres distance from the court house."

(3) In Order V, for the existing rule 5 and its marginal note, substitute the following as rule 5 and marginal note:—

5. The Court shall determine at the time of issuing the summons whether it shall be for the filing of written statement and the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly:

Summons to be either to settle issues or for final disposal.

Provided that in every suit heard by a Court of Small Causes the summons shall be for final disposal of the suit.

(4) In Order V, for the existing rule 15 and its marginal note, substitute the following as rule 15 and marginal note:—

15. When the defendant cannot for any reason be personally served and has no agent empowered to accept service of the summons on his behalf, service may be made on any adult member of the family of the defendant who is residing with him.

Where service may be on adult member of defendant's family.

Explanation.—A servant is not a member of the family within the meaning of this rule.

(5) In Order V for the existing rule 17 at the end following clause be added:—

"If on the date fixed such party is not present, another date shall be fixed and a copy of the notice, summons or other process shall be sent to the registered address of that party by registered post prepaid for acknowledgement (which pre-payment shall be made within one month from the date originally fixed for hearing) and such service shall be deemed to be as effectual as if the notice or process had been personally served."

(6) In Order V, in sub-rule (1) of rule 19 A—

(i) for the word "shall" the word "may" shall be substituted.

(ii) the proviso shall be deleted.

(7) In order V, for the existing rule 27 and its marginal note, substitute the following as rule 27 and marginal note:—

| | |
|--|---|
| <p>27. Where the defendant is a public officer not belonging to the Indian Military, Naval or Air Forces, or is the servant of a railway company or local authority, the Court may, if it appears to it that the summons may be most conveniently so served, sent it by registered post pre-paid for acknowledgement for service on the defendant to the head of the office in which he is employed, together with a copy to be retained by the defendant.</p> | <p>Service on Civil Public Officer or on servant of railway company or local authority.</p> |
|--|---|

(8) In Order V, for the existing rule 28 and its marginal note, substitute the following as rule 28 and marginal note:—

| | |
|---|---|
| <p>28. Where the defendant is a soldier, sailor or airman the Court shall send by registered post pre-paid for acknowledgement the summons for service to his commanding office together with a copy to be retained by the defendant.</p> | <p>Service on soldiers, sailors, or airmen.</p> |
|---|---|

ORDER VI

(1) In Order VI, for the existing rule 5 and its marginal note, substitute the following as rule 5 and marginal note:—

| | |
|--|---|
| <p>5. (1) A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading may in all cases be ordered upon such terms, as to costs and otherwise, as may be just.</p> | <p>Further and better statement or particulars.</p> |
|--|---|

(2) No application for further and better particulars from the plaintiff of the defendant except the one given by the defendant on or before the returnable date of the summons or by the plaintiff on or before the first date fixed for hearing after the filing of the written statement, shall be entertained, unless the plaintiff or the defendant assigns good cause for the same.

(3) After filing the written statement, the Court shall fix a date for (i) reception of documents other than those in possession or power of parties, and (ii) applications for interrogatories, discovery of documents and the inspection thereof. Such applications should not be entertained thereafter, unless good cause is shown to the satisfaction of the Court.

(2) Substitute the following sub-rules (1) to (4) for existing sub-rules (1) to (4) of Rule 14-A of Order VI:—

14-A. (1) Every pleading, when filed by a party, shall be accompanied by a statement in the prescribed form, signed as provided in rule 14, regarding the address of the party. Parties subsequently added shall immediately on being so added file a memorandum in writing of this nature.

(2) Such address may, from time to time, be changed by lodging in Court a form duly filled up and stating the new address of the party and accompanied by a verified petition. Notice of such change shall be given to such other parties as the Court may deem it necessary and the form showing the change may be served either on the pleaders or such parties or be sent to them by registered post pre-paid for acknowledgement as the Court thinks fit.

(3) The address furnished in the statement made under sub-rule (1) shall be called the "registered address" of the party, and shall, until duly changed as aforesaid, be deemed to be the address of the party for the purpose of service of all processes in the suit or in any appeal from any decree or order therein made and for the purpose of execution, and shall hold good, subject as aforesaid, for a period of six years after the final determination of the cause or matter.

(4) (i) Where a party is not found at the registered address and no agent or adult member of his family, on whom a notice or process can be served is present, a copy of the notice of process shall be affixed to the outer door of the house. If on the date fixed such party is not present, another date shall be fixed and a copy of the notice, summons or other process shall be sent to the registered address of that party by registered post pre-paid for acknowledgement (which pre-payment shall be made within one month from the date originally fixed for hearing) and such service shall be deemed to be as effectual as if the notice or process had been personally served.

(ii) Where a party engages a pleader, notice or process issued against the party shall be served in the manner prescribed by Order III, rule 5, unless the Court directs service at the registered address of the party.

(5) Where the registered address of a party is not filed within the specified time or is discovered by the Court to be incomplete, false or fictitious, the Court may, either on its own

motion, or on the application of any party, order —

(a) in case where the default in furnishing registered address is by the plaintiff or where such registered address was furnished by a plaintiff, rejection of the plaint, or

(b) in case where the default in furnishing registered address is by the defendant or where such registered address was furnished by a defendant, his defence is struck out and he be placed in the same position as if he had not put any defence.

(6) Where a plaint is rejected or defence is struck out under sub-rule (5), the plaintiff or as the case may be the defendant after furnishing his true address, apply to the Court for an order to set aside the rejection of the plaint or as the case may be, the orders striking out the defence.

(7) The Court if satisfied that the party was prevented by any sufficient cause from filing the true address at the proper time, shall set aside the rejection of the plaint or order striking out the defence, on such terms as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the suit or defence as the case may be.

(8) Where a party is not found at the registered address and no agent or adult member of his family on whom a notice of process can be served is present, a copy of the notice or process shall be affixed to the outer door of the house. If on the date fixed such party is not present, another date shall be fixed and a copy of the notice, summons or other process shall be sent to the registered address of that party by registered post prepaid for acknowledgment (which pre-payment shall be made within one month from the date originally fixed for hearing) and such service shall be deemed to be as effectual as if the notice or process had been personally served.

(9) Where the Court has struck out the defences under sub-rule 5 and has consequently passed a decree or an order, the defendant or the opposite party as the case may be, may apply to the Court by which the decree or order was passed for an order setting aside the decree or order and if he files a registered address and satisfies the Court that he was prevented by any sufficient cause from filing the address, the Court shall make an order setting aside the decree or order against him upon such terms as to costs or otherwise as it thinks fit and shall appoint a day for proceeding with the suit or proceeding, provided that where the decree or order is of such a nature that it cannot be set aside as against such defendant or opposite party only, it may set aside as against all or any of the defendants or opposite party.

(10) Nothing in this rule shall prevent the Court from directing service of a process at any other address, if for any reason it thinks fit to do so.

(11) Where a party engages a pleader, a notice or process issued against the party shall be served

in the manner prescribed by order III, rule 5 unless the Court directs service at the registered address of the party.

(3) In Order VI, rule 15, substitute a colon for the full stop at the end of sub-rule (1) and add thereafter the following proviso: —

Provided that in respect of pleadings to be filed in the Bombay City Civil Court such verification shall, within the local jurisdiction of the Court, be made before one of the officers of the said Court empowered to administer oath, and elsewhere, before any officer mentioned in section 139 of the Code of Civil Procedure, 1908.

(4) In Order VI, for the existing rule 17 and its marginal note, substitute the following as rule 17 and marginal note: —

17. The Court may at any stage of the proceedings allow either party to amend or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real question in controversy between the parties. Where, however, an application for amendment is made by the plaintiff in a suit in which the defendant has not appeared, though served with a summons, and where in the opinion of the Court the amendment applied for is material one, the Court shall give notice of the application to the defendant before allowing the amendment; and where in the absence of the defendant the court grants any amendment in a form materially different from that of which notice has been given to the defendant, a copy of the amended plaint shall be served on the defendant.

ORDER VII

(1) In Order VII, rule 1, for the existing item (i) of particulars, substitute the following as item (i): —

(i) a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of Court-fees, so far as the case admits, showing the provisions of law under which the valuation for Court-fees and jurisdiction is separately made.

(2) In Order VII, for the existing rule 3 and its marginal note, substitute the following as rule 3 and marginal note: —

3. Where the subject-matter of the suit is immovable property, the plaintiff shall contain a description of the property sufficient to identify it, and, in case such property can be identified by boundaries or numbers in a record of settlement of survey or of Land Registration Office, the plaintiff shall specify such boundaries or numbers. In case of encroachment a sketch showing as approximately as possible the location and extent of the encroachment shall also be filed alongwith the plaint.

(3) In Order VII, for the existing rule 9 and its marginal notes, substitute the following as rule 9 and marginal note:—

9. (1) The plaintiff shall endorse on the plaint or annex thereto a list of documents (if any) which he has produced along with it.

Chief Ministerial Officer to sign lists and copies produced along with plaint.

(2) The Chief Ministerial Officer of the Court shall sign such lists and the copies of the plaint with annexures presented under rule 1 of Order IV, if on examination he finds them to be correct.

(4) In Order VII, rule 10 for the existing sub-rule (1) and its marginal note substitute the following as sub-rule (1) and marginal note:—

(1) Subject to the provisions of rule 10A, the plaint shall be returned to be presented to the Court in which the suit should have been instituted. The plaintiff or his pleader shall be informed of the date fixed for the return of the plaint.

(5) In Order VII, for the existing rule 13 and its marginal note, substitute the following as rule 13 and marginal note:—

13. The rejection of the plaint on any of the grounds hereinbefore mentioned or on the ground mentioned in rule 14-A (5) (a) of Order VI shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

Where rejection of plaint does not preclude presentation of fresh plaint.

(6) In Order VII, rule 17, substitute a colon for the full stop at the end of sub-rule (2) and add thereafter the following provisos:—

Provided that where the entry referred to in this rule is in a language other than English, the plaintiff shall file with the plaint a true copy of the entry together with its translation in English, such translation being verified as regards its correctness by an affidavit of the person making the translation:

Provided further that the Court may accept a plaint without the translation and permit the party to file the said translation within a time to be fixed by the Court.

In either of such cases the Court or its officer need not examine and compare the copy with the original and certify the same to be correct.

ORDER VIII

(1) For the existing title of Order VIII, substitute the following title:—

Written Statement, Set-off, Counter-claim and Third Party Procedure.

(2) In Order VIII, for the existing rule 1 and its marginal note, substitute the following as rule 1 and marginal note:—

(1) The defendant may and if so require by the Court shall within such time as may be specified in that behalf or within such extended time as the Court may permit, present a written statement of his defence, after serving a copy thereof on the plaintiff or his pleader on or before the date fixed for presenting the same in Court, or file in Court for the use of the plaintiff a copy of the written statement while presenting the same in Court:

Provided that the first adjournment for filing the written statement shall not ordinarily exceed four weeks and no further adjournment shall be granted except for reasons to be recorded in writing.

After Rules 2 of Order VIII of the Civil Procedure Code, 1908 following Rules 23 to 36 be substituted as Third Party Procedure.

Third Party Procedure

“23. Where in a suit a defendant claims against any person not already a party to the suit (hereinafter called the third party).—

Third party Procedure.

(a) that he is entitled to contribution or indemnity, or

(b) that he is entitled to any relief or remedy relating to or connected with the subject matter of the suit and substantially the same as some relief or remedy claimed by the plaintiff, or

(c) that any question or issue relating to or connected with the subject-matter of the suit is substantially the same as some question or issue arising between the plaintiff and the defendant and should properly be determined not only as between the plaintiff and the defendant but as between the plaintiff and the defendant and the third party or between any or either of them.

he may apply to the court for leave to issue a notice (hereinafter called the 'Third Party Notice') to that effect. The application shall be made by affidavit, stating the nature of the claim made by the defendant and the facts on which proposed Third Party Notice is based and may be made ex parte. The application shall be made within four weeks from the service of the summons upon defendant.

24. (1) The Third Party Notice shall state the nature of the claim made by the plaintiff against the defendant and the nature and grounds of the claim made by the defendant against the Third Party or the nature and extent of any relief or remedy claimed by him against the Third Party or the nature of the question or issue sought to be determined and shall be sealed with the seal of the Court. It shall be served on the Third Party according to the rules

Form and service of notice.

relating to the service of summons and shall, unless otherwise ordered, be served within two weeks from the date of the order granting leave to issue the Third Party Notice. A copy of the plaint and a copy of the affidavit of the defendant in support of the Third Party Notice shall be served on the Third Party along with the Third Party Notice.

(2) A copy of the Third Party Notice and of the affidavit of the defendant in support of the Third Party Notice shall be furnished to all parties to the suit within two weeks from the date of the order granting leave to issue the Third Party Notice.

25. The Third Party shall, as from the time of the service upon him of the Notice, be a party to the suit with the same rights in respect of his defence against any claim made against him and otherwise as if he had been duly sued in the ordinary way by the defendant.

26. If the Third Party desires to dispute the plaintiff's claim in the suit as against the defendant on whose behalf the Notice has been issued or his own liability to the defendant, the Third Party shall enter an appearance in person or a vakalatnama in the suit within two weeks from the service of the Notice:

Provided that a person so served and failing to appear within the said period of two weeks may apply to the Court for leave to appear and such leave may be given on such terms, if any, as the Court may think fit.

27. If the Third Party does not enter an appearance in person or a vakalatnama he shall be deemed to admit the claim stated in the Third Party Notice and shall be bound by any judgment or decision in the suit, whether by consent or otherwise, in so far as it is relevant to any claim, question or issue stated in the Notice.

28. Where the Third Party makes default in entering and appearance in person or a vakalatnama in the suit — (1) in cases where the suit is tried and results in favour of the plaintiff, the Court which tries the suit may, at or after the trial, pass such decree in favour of the defendant against the Third Party as the nature of the case may require:

Provided that execution thereof shall not issue without the leave of the Court until the decree against the defendant has been satisfied, and

(2) in cases where the suit is decided in plaintiff's favour, otherwise than by trial, the Court, may, at any time after the decree against the defendant has been satisfied, on the application of the defendant pass such decree in favour of the defendant against the Third Party as the nature of the case may require.

29. If the Third Party enters an appearance in person or a vakalatnama he shall file within two weeks thereafter an affidavit in reply to the affidavit of the defendant in support of the Third Party Notice, setting out his case in respect of the Third Party Notice and his case, if any, in respect of the plaint.

30. (1) Where the Third Party enters an appearance in person or a vakalatnama and file his affidavit as required by the last preceding rule, and the suit appears on board for directions before the Court, it may —

(a) order any claim, question or issue stated in the Third Party Notice to be tried in such manner, before, at or after the trial of the suit, as the Court may think fit and may, in that event, give the Third Party leave to defend the suit either along or jointly with any defendant, upon such terms as he may think just, or to appear at the trial and take such part therein as he may think just and generally may make such orders and give such directions as may appear proper for having the questions and the rights and liabilities of the parties most conveniently determined and enforced and as to the extent to which the Third Party shall be bound or made liable by any decree in the suit; or

(b) dismiss the Third Party notice.

(2) Any order made or direction given under this rule may be varied or rescinded by the Court at any time before the disposal of the suit.

31. Where for any reason it is not possible for the Court to give directions on the Third Party Notice at the time when the suit appears on the board for directions, the defendant issuing the Third Party Notice shall, within two weeks, after the filing of the affidavit in reply by the Third Party, apply for directions. Upon the hearing of such applications, the Court may pass such orders and given such directions as are mentioned in the last preceding rule.

32. The Court may decide all questions of costs as between a Third Party and the other parties to the suit, and may order any one or more to pay the costs of any other, or others, or give such direction as to costs as the justice of the case may require.

33. Proceedings on a Third Party Notice may, at any stage of the proceedings, be set aside by the Court.

34. (1) Where the Third Party makes against any person not already a party to the suit (to be called 'the second third party') such a claim as is mentioned

party to apply for third party notice against other persons. in rule 23 he may by leave of the Court issue a Third Party Notice to that effect.

(2) Where the second 'Third Party' in his turn makes such claim as is mentioned in rule 23 against any person not already a party to the suit (to be called 'the Third Party') or where each successive Third Party in his turn makes such a claim against any person not already a party to the suit, such second 'Third Party' or any successive third party may, by leave of the Court issue a Third Party Notice to that effect.

(3) The provisions contained in the preceding rules as to Third Party procedure shall, with any necessary modifications, apply to all cases where Third Party Notices have been issued, whether at the Instance of the Third Party or any successive Third Party.

35. (1) Where a defendant makes against a co-defendant such a claim as is mentioned in rule 23 he may, without leave of the Court, issue and serve on such co-defendant within six weeks from the service of the summons upon him (the defendant making the claim), a notice stating the nature and grounds of such claim and shall at the same time file an affidavit in support of such claim and furnish copies thereof to all parties in the suit.

(2) The provisions contained in the proceeding rules regarding Third Party Procedure shall, with necessary modifications, apply to cases where a defendant has issued such notice against a co-defendant, but nothing herein contained shall prejudice the rights of the plaintiff against any defendant in the suit.

36. Where in any suit a counter-claim is made by a defendant, the provisions contained in the preceding rules regarding Third Party Procedure shall, with any necessary modifications, apply in relation to the counter-claim as if the subject-matter of the counter-claim were the subject-matter of the suit, and as if the person making the counter-claim were the plaintiff and the person against whom it is made a defendant.

ORDER IX

(1) Substitute the following as sub-rule (1) of Rule 5 in Order IX for the existing sub-rule (1) of Rule 5 in order IX of the Code:—

"5. (1) Where after the first date fixed for return of summons, which shall not be more than six weeks, the plaintiff fails from such date, within a period of one month of apply for the issue of a fresh summons to one or more defendant to be served, the Court shall make an order that the suit be dismissed

as against such defendant, unless the plaintiff has within the said period satisfied the Court that—

(a) he has failed after using his best endeavours to discover the residence of the defendant who has not been served, or

(b) such defendant is avoiding service of process, or

(c) there is any other sufficient cause for extending the time,

in which case the Court may extend the time for making such application for such period as it thinks fit.

(2) In such case the plaintiff may (subject to the law of limitation) bring a fresh suit."

(2) In Order IX, for the existing rule 13 and its marginal note, substitute the following as rule 13 and marginal note:—

13. In any case in which a decree is passed ex-parte against a defendant, he may apply to the Court by which the decree was passed for an order to set it aside; and if he satisfies the Court that the summons was not duly served, or that there was sufficient cause for his failure to appear when the suit was called on for hearing, the Court shall make an order setting aside the decree as against him upon such terms as to costs payment into Court or otherwise as it think fit, and shall appoint a day for proceeding with two suit:

Provided that where the decree is of such a nature that it cannot be set aside as against such defendant only, it may be set aside as against all or any of the other defendants also:

Provided also that no such decree shall be set aside merely on the ground of irregularity of service of summons, if the Court is satisfied that the defendant knew, or but for his wilful conduct would have known, of the date of hearing in sufficient time to enable him to appear and answer the plaintiff's claim.

Explanation I.—Where a summons has been served under Order V, rule 15, on an adult member having an interest adverse to that of the defendant in the subject-matter of the suit, it shall not be deemed to have been duly served within the meaning of this rule.

Explanation II.—Where there has been an appeal against a decree passed ex-parte under this rule, and the appeal has been disposed of on any ground other than the ground that the appellant has withdrawn the appeal, no application shall lie under this rule for setting aside that ex-parte decree.

(3) In Order IX, after the rule 14, add the following rule with marginal note as new rule 15 and its marginal note:—

15. In the application of this Order to appeals, so far as may be, the word 'plaintiff' shall be held to include an appellant, the word 'defendant' a respondent, and the word 'suit', and appeal.

Application of the provisions of this Order to Appeals.

ORDER XIII

(1) In Order XIII, rule 4, substitute a colon for the full stop at the end of sub-rule (1) and add thereafter the following proviso:

Provided that in proceedings in the Bombay City Civil Court, the endorsement may be signed or initialled by such officer as the Principal Judge may authorise in this behalf.

(2) In Order XIII, rule 5 substitute a colon for the full stop at the end of sub-rule (3) and add thereafter the following proviso:

Provided that where the entry referred to in this rule is in a language other than English or the language of the Court, the provision contained in the proviso to sub-rule (2) of rule 17 of Order VII shall apply mutatis mutandis to such an entry.

(3) In Order XIII, rule 6, substitute a colon for the full stop at the end of the rule and add thereafter the following proviso:

Provided that in proceedings filed in the Bombay City Civil Court the endorsement may be signed by such officer as the Principal Judge may authorise in this behalf.

(4) In Order XIII, rule 7, after the existing sub-rule (2), add the following sub-rule with marginal note as new sub-rule (3) and its marginal note:—

“(3) Every document produced in evidence which is not written in English shall be accompanied by a correct translation thereof in English. If the document is admitted in evidence, the opposite party shall either admit the correctness of the translation or submit his own translation of the document.”

(5) In Order XIII, for the existing rule 9 and its marginal note, substitute the following as rule 9 and marginal note:—

9. (1) Any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same,—

(a) where the suit is one in which an appeal is not allowed, when the suit has been disposed of; and

(b) where the suit is one in which an appeal is allowed, when the Court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred when the appeal has been disposed of:

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor—

(a) delivers to the proper officer for being substituted for the original,—

(i) in the case of a party to the suit, a certified copy, and

(ii) in the case of any other person, an ordinary copy, which has been examined, compared and certified in the manner mentioned in sub-rule (2) of rule 17 of Order VII, and

(b) undertakes to produce the original, if required to do so:

Provided also that a copy of the decree and of the judgment filed with the memorandum of appeal under Order XLI, rule 1, may be returned after the appeal has been disposed of by the Court:

Provided also that no document shall be returned which, by force of the decree, has become wholly void or useless.

(2) On the return of a document admitted in evidence, a receipt shall be given by the person receiving it.

Insert as Order XV-A, before Order XVI.

ORDER XV-A

Striking off defence in a suit by a lessor

1. (1) In any suit by a lessor for eviction of a lessee or for the recovery of rent and future mense profits from him, the defendant shall deposit such amount as the Court may direct on account of arrears upto the date of the order (within such time as the Court may fix) and thereafter continue to deposit in each succeeding month the rent claimed in the suit as the Court may direct. The defendant shall continue to deposit such amount till the decision of the suit unless otherwise directed.

In the event of any default in making the deposit, as aforesaid, the Court may subject to the provisions of sub-rule (2) strike off the defence.

(2) Before passing an order for striking off the defence, the Court shall serve notice on the defendant or his Advocate to show cause as to why the defence should not be struck off, and the Court shall consider any such cause, if shown in order to decide as to whether the defendant should be relieved from an order striking off the defence.

(3) The amount deposited under this rule shall be paid to the plaintiff lessor or his Advocate and the receipt of such amount shall not have the effect of prejudicing the claim of the plaintiff and it would not also be treated as a waiver of notice of termination.

ORDER XVI

(1) In Order XVI, rule 2, substitute a colon for the full stop appearing at the end of sub-rule (1) and add thereafter the following proviso:

Provided that where Government or a public officer being a party to a suit or proceeding as such public officer supported by Government in the litigation, applies for a summons to any public officer to whom the Civil Service Regulations apply to give evidence of facts which have come to his knowledge or of matters with which he has to deal, as a public officer, or to produce

any document from public records, the Government or the aforesaid officer shall not be required to pay any sum of money on account of the travelling and other expenses of such witness.

(2) In Order XVI, rule 3, substitute a colon for the full stop appearing at the end of rule 3 and add thereafter the following proviso:

Provided that where the witness is a public officer to whom the Civil Service Regulations apply and is summoned to give evidence of facts which have come to his notice or of facts which he has had to deal in his official capacity, or to produce a document from public records, the sum payable by the party obtaining the summons on account of his travelling and other expenses shall not be tendered to him. Such officer shall, however, be required to produce a certificate duly signed by the Head of his office showing the rates of travelling and other allowances admissible to him as for a journey on tour.

(3) In Order XVI, after the existing rule 3 (with the proviso last added thereto) add the following rule with marginal note as new rule 3A and its marginal note:—

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| <p>3A. (1) Notwithstanding anything contained in the foregoing rules, in all suits or other proceedings to which the Government is not a party, where a servant of the Central Government or a railway employee is summoned to give evidence and/or to produce documents in his official capacity, the Court shall direct the party applying for summons to deposit such sum of money as will, in the opinion of the Court be sufficient to defray the travelling and other expenses of the officer concerned as for a journey on tour; and on the deposit of such sum, the Court shall direct the summons to be issued and, out of the sum so deposited or out of any further sum which the Court may subsequently direct the party applying for summons to deposit, the Court shall, on the appearance before the Court of the officer summoned, pay him the amount of travelling and other expenses admissible to him as for a journey on tour under the rules applicable to his service.</p> | <p>the foregoing rules, in all suits or other proceedings to which the Government is not a party, where a servant of the Central Government or a railway employee is summoned to give evidence and/or to produce documents in his official capacity, the Court shall direct the party applying for summons to deposit such sum of money as will, in the opinion of the Court be sufficient to defray the travelling and other expenses of the officer concerned as for a journey on tour; and on the deposit of such sum, the Court shall direct the summons to be issued and, out of the sum so deposited or out of any further sum which the Court may subsequently direct the party applying for summons to deposit, the Court shall, on the appearance before the Court of the officer summoned, pay him the amount of travelling and other expenses admissible to him as for a journey on tour under the rules applicable to his service.</p> |
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(2) The officer appearing before the Court in accordance with sub-rule (1) shall produce a certificate duly signed by the Head of his office, showing the rates of travelling and other allowances admissible to him as for a journey on tour, and the amount payable to him by the Court shall be computed on the basis of rates specified in such certificate.

ORDER XX

(1) Order XX Rule 1(3) — Delete the words "if the Judge is specially empowered by the High Court in this behalf" appearing in rule 1(3) of Order XX of the Civil Procedure Code, 1908.

(2) In Order XX, rule 6, for the existing sub-rule (1) and its marginal note, substitute the following as sub-rule (1) and marginal note:—

6. (1) The decree shall agree with the judgment; it shall contain the date of pre-

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decree.

sentation of the plaint, the number of the suit, the names and descriptions of the parties, their registered addresses, and particulars of the claim, and shall specify clearly the relief granted or other determination of the suit.

(3) In Order XX, rule 7, substitute a colon for the full stop appearing at the end of the rule and add thereafter the following proviso:

Provided that in proceedings taken in the the Bombay City Civil Court the decree shall bear date the day on which the judgment was pronounced and it shall be engrossed in the office of the Registrar and be signed by him and sealed with the seal of the Court.

(4) In Order XX, for the existing rule 12 and its marginal note, substitute the following as rule 12 and marginal note:—

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| <p>12. (1) Where a suit is for the recovery of possession of immovable property and for rent or mesne profits, the Court may pass a decree—</p> | <p>possession of immovable property and for rent or mesne profits, the Court may pass a decree—</p> |
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(a) for the possession of the property;

(b) for the rent or mesne profits which have accrued on the property during the period prior to the institution of the suit, or directing an enquiry as to such rent or mesne profits;

(c) directing an enquiry as to such rent or mesne profits from the institution of the suit until—

(i) the delivery of possession to the decree-holder, or

(ii) the relinquishment of possession by the judgment-debtor with notice to the decree-holder through the Court.

(2) Where an inquiry is directed under clause (b) or clause (c) of sub-rule (1) above, a final decree in respect of the rent or mesne profits shall be passed in accordance with the result of such enquiry.

(5) In Order XX, rule 14, substitute a colon for the full stop appearing at the end of clause (b) of sub-rule (1) and add thereafter the following proviso:

Provided that if there are crops standing on the property, possession of the property shall not be delivered to the plaintiff until such crops have been reaped. The plaintiff shall however be entitled to simple interest not exceeding 6 per cent per annum at the discretion of the Court on the amount deposited by him in Court in respect of the period between the date of payment into Court by him of the purchase money and the costs (if any) and the date on which delivery of possession to him by the defendant takes place.

(6) Substitute the following rule for rule 20 in Order XX:—

20. (1) Certified copies of the judgment and decree shall be furnished to the

Certified copies of parties on application to the judgment and Court, and at their expense. decree to be furnished.

(2) Application may be made by the party himself or his recognised agent or by his pleader and may also be sent by post. Whenever such application is sent by post the same shall be sent by the Registered post pre-paid for acknowledgment. When the application is sent by post, it shall be deemed to have been made on the date of posting if the application is made by registered post, but only on the date of its receipt by the office of the Court in case when it is sent by post other than registered post.

ORDER XXI

(1) Substitute the following as sub-rule (2) for the existing sub-rule (2) of rule 2 in Order XXI:—

(2) The judgment-debtor or any person who has become surety for judgment-debtor may also inform the Court by an application in writing supported by an affidavit of such payment or adjustment and apply to the Court to issue a notice to the decree-holder to show cause on a date to be fixed by the Court, why such payment or adjustment should not be recorded as certified; and if, after service of such notice, the decree holder fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly.

(2) In Order XXI, for the existing rule 4 and its marginal note, substitute the following as rule 4 and marginal note:—

4. (1) Where a decree has been passed in a suit of which the value as set forth in the plaint did not exceed two thousand rupees and which, as regards its subject matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provisional Small Causes Court and the Court which passed it wishes it to be executed in Calcutta or Madras, such Court may send to the Court of Small Causes in Calcutta or Madras, as the case may be, the copies and certificates mentioned in rule 6; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

(2) A decree in a suit of the nature described in sub-rule (1) but in which the value as set forth in the plaint did not exceed ten thousand rupees may be sent for execution to and be executed by the Presidency Court of Small Causes at Bombay in the manner prescribed in sub-rule (1).

(3) In Order XXI, for the existing rule 16 and its marginal note, substitute the following as rule 16 and marginal note:—

16. Where a decree or if a decree has been passed jointly in favour of two or more persons the interest of any decree-holder in the decree is transferred by assignment in writing or by operation of law, the transferee may apply for

execution of the decree to the Court which passed it, or to the Court to which it has been sent for execution, and the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Provided that, where the decree or such interest as aforesaid, has been transferred by assignment, notice of such application shall be given to the transferer and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to its execution:

Provided further that where the transferee Court holds the assignment proved, it shall forthwith communicate its decision in that behalf to the Court which passed the decree, and the latter Court shall make an entry in the Register of Suits indicating that the assignment has been held to be proved:

Provided also that, where the decree for the payment of money against two or more persons has been transferred to one of them, it shall not be executed against the others.

Explanation I.—In an application under this rule, any payment of money made under a decree, or any adjustment in whole or in part of the decree arrived at to the satisfaction of the decree-holder, which payment or adjustment has not been certified or recorded by the Court under rule 2 of this Order, shall not be recognised by the Court entertaining the application.

Explanation II.—Nothing in this rule shall affect the provisions of section 146, and a transferee of rights in the property, which is the subject-matter of the suit, may apply for execution of the decree without a separate assignment of the decree as required by this rule.

(4) Substitute the following as rule 24 and its marginal note for the existing rule 24 and marginal note in Order XXI:

24. (1) When the preliminary measures (if any) required by the foregoing rules have been taken, the Court shall, unless it sees cause to the contrary, issue its process for the execution of the decree.

(2) Every such process shall bear date the day on which it is issued and shall be signed by the Judge or such officer as the Court may appoint in this behalf, and shall be sealed with the seal of the Court and delivered to the proper officer to be executed:

Provided that a Civil Judge, Senior Division may, in his special jurisdiction, send the process to another Court in the same district for execution by the proper officer in that Court.

(3) In every such process a day shall be specified on or before which it shall be executed and day shall also be specified on or before which it shall be returned to the Court, but no process shall be deemed to be void, if no day for its return is specified therein.

(5) In Order XXI, rule 25, substitute a colon for the full stop appearing at the end of sub-rule (2) and add thereafter the following proviso:

Provided that an examination of the officer entrusted with the execution of a process by the Nazir or the Deputy Nazir under the general or special orders of the Court shall be deemed to be sufficient compliance with the requirements of this rule.

(6) In Order XXI for rule 39 and its marginal note substitute the following as rule 39 and marginal note:—

39. (1) No Judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as the Judge thinks sufficient for the subsistence of the judgment-debtor from the time of his arrest until he can be brought before the Court and for the cost of conveyance of the judgment-debtor from the place of his arrest to the Court house.

(2) Where a judgment-debtor is committed to the civil prison execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled according to the scales fixed under section 57, or where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

(3) The monthly allowance fixed by the Court shall be supplied by the party on whose application the judgment-debtor has been arrested by monthly payments in advance before the first day of each month.

(4) Such sum (if any) as the Judge thinks sufficient for the subsistence and costs of conveyance of the judgment-debtor for his journey from the Court-house to the civil prison and from the civil prison on his release, to his usual place of residence, together with the first of the payments in advance under sub-rule (3) for such portion of the current month as remains unexpired, shall be paid to the proper officer of the Court before the judgment-debtor is committed to the Civil prison, and the subsequent payment (if any) shall be paid to the officer in charge of the Civil Prison.

(5) Sums disbursed under this rule by the decree-holder for the subsistence and the cost of conveyance (if any) of the judgment-debtor shall be deemed to be cost in the suit.

Provided that the judgment-debtor shall not be detained in the Civil Prison or arrested on account of any sum so disbursed.

(7) In Order XXI, rule 40, after the existing sub-rule (5), add the following as new sub-rules (6), (7) and (8):—

(6) When a judgment-debtor is ordered to be detained in the custody of an officer of a Court under sub-rule (2) or the proviso to sub-rule (3) above, the Court may direct the decree-holder to deposit such amount as, having regard to the

specified or probable length of detention, will provide:—

(a) for the subsistence of the judgment-debtor at the rate to which he is entitled under the scales fixed under section 57, and

(b) for the payment to the officer of the Court in whose custody the judgment-debtor is placed or such fees (including lodging charges) in respect thereof as the Court may by order fix:

Provided—

(i) that the subsistence allowance and the fees payable to the officer of the Court shall not be recovered for more than one month at a time, and

(ii) that the Court may from time to time require the decree-holder to deposit such further sums as it deems necessary.

(7) If a decree-holder fails to deposit any sum as required under sub-rule (6) above, the Court may disallow the application and direct the release of the judgment debtor.

(8) Sums disbursed by the decree-holder under sub-rule (6) shall be deemed to be costs in the suit:

Provided that the judgment-debtor shall not be detained in the Civil Prison or arrested on account of any sum so disbursed.

(8) In Order XXI, after the existing rule 43A, insert the following rule with marginal note as new rule 43B and its marginal note:—

43-B (1) When an application is made for the attachment of live-stock the Court may demand, in advance in cash at rates to be fixed half yearly or oftener, if necessary, by the Courts with the sanction of the District Judge, the amount requisite for the maintenance of the live-stock from the probable time of attachment to the probable time of sale, or may, at its discretion, make successive demands for portions of such period. The rates shall include cost of feeding, tending and conveyance, and all other charges requisite for the maintenance and custody of the live-stock.

(2) If the live-stock be entrusted to any person other than the judgment-debtor, the amount paid by decree-holder for the maintenance of the live-stock or a part thereof, may, at the discretion of the Court, be paid to the custodian of the live-stock for their maintenance. The produce, such as milk, eggs, etc., if any, may either be sold as promptly as possible for the benefit of the judgment-debtor or may, at the discretion of the Court, be set off against the costs of maintenance of the live-stock.

(9) In Order XXI, after the existing rule 44, insert the following rule with marginal note as new rule 44-A and its marginal note:—

44-A. Where the property to be attached is agricultural produce, a copy of the warrant or the order of

Copy of the

warrant of attachment to be sent to the Collector where agricultural produce is attached. attachment shall be sent by post to the office of the Collector of the District in which the land is situate.

(10) In Order XXI, rule 45, for the existing sub-rule (1), and its marginal note substitute the following as sub-rule (1) and marginal note:—

(1) Where agricultural produce is attached, the Court shall make such arrangement for the custody thereof as it may deem sufficient and, for the purpose of enabling the Court to make such arrangements, every application for the attachment of growing crop shall specify the time at which it is likely to be fit to be cut or gathered, such sum as the Court shall deem sufficient to defray the cost of watching and tending the crop till such time.

(11) In Order XXI, of the Civil Procedure Code, 1908 for the existing rules 46-A to 46-I substitute the following rules:—

46-A. (1) Upon the application of the decree-holder, the Court may in the case of,—

(1) any debt (other than a debt secured by a mortgage or a charge or a negotiable instrument) of which the Civil Courts are not precluded from adjudicating upon by any law for the time being in force and which has been attached under rule 46 of this Order; or

(2) any movable property not in possession of the judgment-debtor which has been attached under rule 46 of this Order; or

(3) any negotiable instrument which has been attached under rule 51 of this Order; or

(4) any movable property of the nature referred to in (1) to (3) above in the custody of any public officer other than officer of any Court, which has been attached under rule 52 of the Order,

issue notice to any person liable to pay to the judgment-debtor such debt or the amount due under such negotiable instrument or liable to deliver such movable property or to account for it to the judgment-debtor (hereafter referred to as "the Garnishee") calling upon him within the period specified in the notice either to pay into Court the said debt or amount payable under the said negotiable instrument or deliver into Court the said movable property, as the case may be, or so much thereof as may be sufficient to satisfy the decree or order and the cost of execution or to appear before the Court and show cause why he should not be ordered to do so.

The notice shall be served on the Garnishee and, if the Court so directs on the judgment-debtor also. The notice shall be served eight clear days before the returnable date thereof:

Provided that, subject to the proviso to Rule 46-C, if by any law for the time being in force, the jurisdiction to adjudicate upon the debt or

claim relating to the negotiable instrument or movable property in respect of which the application aforesaid is made or conferred on a Civil Court other than the execution Court, the Court shall send the execution case to the District Court to which the said Court is subordinate and thereupon the District Court shall transfer the case to the competent Court and on such transfer the Court to which the case is transferred will deal with it in the same manner as if it had been originally instituted in that Court.

Explanation.—When the District Court itself is the competent Court it may deal with the case in the same manner as if it had been originally instituted in that Court.

(2) Such application shall be made on affidavit verifying the facts alleged and stating that in the belief of the deponent the Garnishee is indebted to the judgment-debtor or that the property belongs to the judgment-debtor.

46-B. Where the Garnishee does not within the time specified in the notice or within such time as the Court may allow to pay into Court the said debt or the amount payable under the said negotiable instrument or does not deliver into Court the said property or so much of the debt or amount or property as is sufficient to satisfy the decree or order and the cost of the execution or does not appear and show cause in answer to the notice, the Court may order the Garnishee to comply with the terms of such notice or pass such other order as it may deem fit.

46-C. If the Garnishee disputes his liability, the Court instead of making such order may order that any issue or question necessary for determining his liability be tried as though it were an issue in a suit; and upon the determination of such issue shall pass such order upon the notice as it may think fit:

Provided that if the amount of the debt or the amount payable under the negotiable instrument or the value of the property in respect of which the application aforesaid is made exceeds the pecuniary jurisdiction of the Court, the Court shall send the execution case to the District Court to which the said Court is subordinate and thereupon the District Court or any other competent Court to which it may be transferred by the District Court will deal with it in the same manner as if it had been originally instituted in that Court.

46-D. If the Garnishee appears in answer to the Garnishee notice shows cause to the satisfaction of the Court, the notice shall be dismissed and upon such dismissal the attachment order under rule 46, 51 or 52 of this Order shall stand raised and the prohibitory order, if any, shall stand discharged.

46-E. Whenever in the course of proceedings against the Garnishee it is alleged or appears to the Court to be probable that some person other than the judgment-

Procedure Where debt belongs to third person.

Order as regards third person.

-debtor is or claims to be entitled to the debt attached or the amount payable under the negotiable instrument or the property attached or claims to have a charge or lien upon or interest in such debt or amount or property the Court may order such third person to appear before it and state the nature of his claim with particulars thereof and, if necessary, prove the same.

46-F. After hearing such third person and any other person who may subsequently be ordered to appear, or in case of such third person or other person not appearing when ordered, the Court may pass such order as is provided under Rule 46-B, 46-C or 46-D or such other order or orders upon such terms, if any, with respect to the lien or charge or interest if any of such third or other person as it may deem fit and proper including an order that any question or issue necessary for determining the validity of the claim of the third or other person be tried as though it were an issue in a suit.

46-G. (a) An order made by the Court under Rule 46-B, 46-C or 46-F against the Garnishee shall be executable as if it were a decree of the Court in favour of the decree-holder.

(b) When money or negotiable instrument or property is received in Court as a result of an order under Rule 46-B, 46-C or 46-F above, the money shall not be paid and further steps in execution in respect of the negotiable instrument or property shall not be taken till the time for filing an appeal against the said order is over and whether an appeal is filed, till further orders of the Appellate Court.

46-H. Any payment or delivery made by a Garnishee in compliance with a Garnishee notice or order made against him under Rule 46-B, 46-C or 46-F of this Order or any money or property realised in execution of an order under these Rules shall be a valid discharge of the Garnishee's liability to the judgment-debtor and to any other person or persons ordered to appear under Rule 46-E or 46-F of this order for the amount paid or levied or property delivered or property realised in execution, although the decree in execution of which the application under Rule 46-A was made, or the order passed in the proceedings on such application may be set aside or reversed.

46-I. Where a debt due by a firm to the judgment-debtor has been attached it may be proceeded against under Rules 46-A to 46-H of this Order in the same manner as in the case of an ordinary Garnishee, and provisions of order XXX of this Code shall, so far as applicable, apply to such proceedings although one or more partners of such firm may be resident outside the jurisdiction of the Court: Provided that any person having the control or management of the partnership business or any partner of the firm who is within the

jurisdiction of the Court is served with Garnishee notice. An appearance by any partner pursuant to such notice shall be sufficient appearance by the firm.

46-J. The costs of any application made under Rule 46-A of this order and of any proceedings arising therefrom or incidental thereto shall be in the discretion of the Court.

46-K. Any order made under Rule 46-B, 46-C, 46-F or 46-G of this Order shall be appealable as a decree.

(12) In Order XXI, rule 53, for the existing sub-rule (1)(b), substitute the following:—

(b) if the decree sought to be attached was passed another Court, then by the issue to such other Court of a notice by the Court which passed the decree sought to be executed, requesting such other Court and to any other Court to which the decree has been transferred for execution to stay the execution of its decree unless and until—

(i) the Court which passed the decree sought to be executed cancels the notice, or

(ii)(a) the holder of the decree sought to be executed, or

(b) his judgment-debtor with the previous consent in writing of such decree-holder, or with the permission of the attaching Court, applies to the Court receiving such notice to execute the attached decree.

(13) Substitute the following sub-rule (4) for the existing sub-rule (4) of rule 53 in Order XXI:—

(4) Where the property to be attached in the execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), the attachment shall be made, by a notice by the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, where such decree has been passed by any other Court also by sending to such other Court and to any other Court to which the decree has been transferred for execution a notice to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent.

(14) In Order XXI, for 54 and its marginal note substitute the following as rule 54 and marginal note:—

54. (1) Where the property is immovable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge, such order shall take effect, where there is no consideration for such transfer or charge, from the date of such order, and where there is consideration for such transfer or charge, from the date when such order came to the knowledge of the person to whom or in whose favour the property was transferred or charged.

(1A) The order shall also require the judgment-debtor to attend Court on a specified date to take notice of the date to be fixed for settling the terms of the proclamation of sale.

(2) Copies of the order shall also be forwarded to the Collector with a request that appropriate entries showing the attachment levied on the property may be caused to be made in the revenue records, city survey records, or village panchayat records as may be required in the particular case.

(3) The order shall be proclaimed at same place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the Court-house, and also, where the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situate, and also, where the property is situate with cantonment limits, in the office of the Local Cantonment Board and the Military Estates Officer concerned, and, where the property is land situate in a village, also in the office of the Gram Panchayat, if any, having jurisdiction over that village.

(15) In Order XXI, for the existing rule 57 and its marginal note, substitute the following as rule 57 and marginal note:—

57. Where any property has been attached in execution of a decree and the Court for any reason passes an order dismissing an execution application, the Court shall direct whether the attachment shall continue or cease. If the Court omits to make an order and if the order dismissing the execution application is appealable the attachment shall continue till expiry of the period prescribed for filing an appeal or where appeal has been filed, till such further period as the appellate Court may direct.

(16) In Order XXI, rule 69, for the existing sub-rule (1) and the marginal note substitute the following as sub-rule (1) and marginal note (retaining sub-rules (2) and (3) as they are):—

69. (1) The Court may, in its discretion, adjourn any sale hereunder to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale to a specified day and hour, recording his reasons for such adjournment:

Provided that, where the sale is made in, or within the precincts of the Court-house, no such adjournment shall be made without the leave of the Court.

(17) In Order XXI, rule 75, for the existing sub-rule (2), substitute the following as sub-rule (2):—

(2) Where the crop from its nature does not admit of being stored, or where it appears to the Court that the crop shall be sold to greater advantage in an unripe state, it may be sold before it is cut and gathered, and the purchaser shall be

entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting or gathering it.

(18) In Order XXI, for the existing rule 85, substitute the following rule and marginal note:—

85. The full amount of purchase money payable, together with the amount required for the general stamp paper for the certificate under Rule 94, shall be paid by the purchaser into Court before the Court closes on the 15th day from the date of the sale of the property:

Provided that in respect of the purchase money, the purchaser shall have the advantage of any set-off to which he may be entitled under rule 72:

Provided further that, if as a result of some bona fide mistake or miscalculation the amount deposited falls short of the full amount of the purchase money, the Court may in its discretion, allow the shortfall to be made up after fifteen days of the sale, and if the full amount of the purchase money is deposited within such time as the Court may allow, the Court may condone the delay, if it considers it just and proper to do so.

Explanation.—When an amount is tendered in Court on any day after 1.00 p. m. but is not accepted by the Court and is paid into Court on the next working day between 11.00 a.m. and 1.00 p.m. the payment shall be deemed to have been made on the day on which the tender is made.

(19) In Order XXI, rule 87, for the words “of the purchase money” substituted the words “of the amounts mentioned in rule 85”.

(20) In Order XXI, add the following proviso at the end of sub-rule (1) Rule 92:

Provided that before confirming the same the Court shall satisfy itself that the amount paid under Rule 85 for the purchase of general stamp paper for the certificate under Rule 94 is sufficient for the purpose in accordance with the rate in force at the time of the confirmation and may, notwithstanding anything contained in Rule 86, give the purchaser such time as it thinks fit for making good any deficiency.

(21) In Order XXI, for the existing rule 94, and its marginal note, substitute the following as rule 9 and marginal note:—

94. Where a sale of immovable property has become absolute, the Court shall grant certificate specifying the property sold, the amount of the purchase money and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear date the day on which the sale became absolute.

(22) Substitute the following sub-rule (2) for the existing sub-rule (2) of rule 98 in Order XXI:—

(2) Where upon such determination, the Court is satisfied that the resistance or obstruction was

occasioned without any just cause by the judgment debtor or by some other person at his instigation or on his behalf, or by any transferee where such transfer was made during the pendency of the suit or execution proceeding, it shall direct that the applicant be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the Court may also, at the instance of the applicant, order the judgment-debtor, or any person acting at his instigation or on his behalf, to be detained in the Civil prison for a term which may extend to thirty days. The Court may also order the person or persons whom it holds responsible for such resistance or obstruction to pay jointly or severally in addition to costs, reasonable compensation to the decree-holder or the purchaser, as the case may be, for the delay and expenses caused to him in obtaining possession. Any order made under this rule shall have the same force and be subject to the same conditions as to appeal or otherwise as if it were a decree.

(23) Add the following proviso to rule 100 in Order XXI: —

"Where it is determined that the application is made by person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree was passed, the Court shall dismiss the application under sub-rule (a) above".

(24) Add the following proviso to rule 101 of Order XXI: —

"Provided that when the Court is not competent to decide such question due to want of pecuniary jurisdiction the Court shall send the execution case to the Court of the District Judge to which the said Court is subordinate and thereupon the Court of the District Judge or any other competent Court to which it may be transferred by the District Judge, shall deal with it in the same manner as if the case had been originally instituted in that Court."

(25) Delete rule 102 in Order XXI.

ORDER XXV

(1) In Order XXV, after the existing rule 2, add the following rule with marginal note as new rule 3 and its marginal note: —

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| <p>3. (1) Where any plaintiff has for the purpose of being financed in the suit transferred or agreed to transfer any share or interest in the property in the suit to a person who is not already a party to the suit, the Court may order such person to be made a plaintiff to the suit if he consents, and may either of its own motion or on the application of any defendant order such person, within a time to be fixed by it to give security for the payment of all costs incurred and likely to be incurred by any defendant. In the event of such security not being furnished within the time fixed, the Court may make and order dismissing the suit so far as his right to, or interest in the property in suit is concerned, or dec-</p> | <p>Power to implead and demand security from third person financing litigation.</p> |
|--|---|

laring that he shall be debarred from claiming any right to or interest in the property in suit.

(2) If such person declines to be made a plaintiff, the Court may implead him as a defendant and may order him, within a time to be fixed by it, to give security for the payment of all costs incurred and likely to be incurred by any other defendant. In the event of such security not being furnished within the time fixed, the Court may make an order declaring that he shall be debarred from claiming any right to or interest in the property in suit.

(3) Any plaintiff or defendant against whom an order is made under this rule may apply to have it set aside and the provisions of sub-rule (2) and (3) of rule 2 shall apply mutatis mutandis to such application.

ORDER XXXIII

(1) In Order XXXIII, rule 1 for Explanation 1 below rule 1, substitute following Explanation 1: —

Explanation 1. — A person shall be deemed to be an indigent person if he is not possessed of means exceeding rupees three thousand in value or where he is possessed of means exceeding three thousand rupees in value, the same are not sufficient to enable him to pay fees prescribed by law for the plaint.

For the purposes of this Explanation the means which a person is possessed of shall be deemed not to include property exempt from attachment in execution of a decree and subject-matter of the suit.

(2) In Order XXXIII, for the existing rule 17 and its marginal note, substitute the following rule and the marginal note: —

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|--|---------------------------------------|
| <p>17. Any defendant, who desire to plead a set off or counter-claim, may be allowed to set up such claim as an indigent person, and the rules contained in this order shall so far as may be, apply to him as if he were a plaintiff and his written statement were a plaint, and if he is required to issue a third party notice, the third party notice shall also be deemed to be a plaint for the purpose of this rule.</p> | <p>Defence by an indigent person.</p> |
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(3) In Order XXXIII, after the existing rule 18 add the following rule with marginal note as new rule 19 and the marginal note: —

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|---|--|
| <p>19. No cause, suit or matter commenced or carried on by a pauper plaintiff or defendant shall be compromised on any account whatsoever without leave first had obtained from the Judge in Chambers or the Court.</p> | <p>A pauper not to compromise suit without leave of Court.</p> |
|---|--|

ORDER XXXIV

(1) Substitute the following Rule 10A of Order XXXIV for the existing Rule 10A of Order XXXIV of the Code: —

"10-A. In mortgage suit where under the mortgage the possession of the Costs of mortgagee mortgaged property is with the

subsequent to
decree.

mortgage, the mortgagor may tender or deposit, before or at the time of the institution of the suit, or during the pendency of the same, the sum due on the mortgage. The tender by the mortgagor must be in writing. Notice of any such deposit shall be given by the Court to mortgagee. If the sum so tendered or deposited is in the opinion, of the Court, substantially sufficient to satisfy the mortgage, the Court shall direct the mortgagee to pay to the mortgagor, mesne profits as may be determined from the date of such tender or notice of deposit till the actual delivery of possession by the mortgagee to the mortgagor."

(2) In Order XXXIV, after the existing rule 14, insert the following rule with marginal note as new rule 14A and its marginal note:—

14-A. (1) Notwithstanding anything hereinbefore contained, where the sale of any mortgaged property is decreed under any composite decree which combines in itself a preliminary as well as a final decree as per compromise between the parties or as required or permissible under any special law or under an order, award or adjudication which is deemed to be a decree of a Civil Court, or which is required to be executed as a decree or as if it is a decree of a Civil Court, and the judgment-debtor (mortgagor), before the day fixed in that behalf or at any time before the confirmation of the sale made in pursuance of such decree, order, award or adjudication, makes payment into Court of all amounts due from him to the decree-holder (mortgagee) on that date, under the said decree, order, award or adjudication, including all subsequent costs, charges, expenses and interest, and also deposits in Court for payment to a purchaser a sum equal to five per cent of the amount of the purchase money paid into Court by the purchaser, the Court shall, on application made by the judgment-debtor (mortgagor) in this behalf, set aside the sale and mark the decree, order, award or adjudication as satisfied, and pass an order:—

(a) ordering the decree-holder (mortgagee) to deliver up to the judgment-debtor (mortgagor) or his nominee, all documents in his possession or power relating to the mortgaged property, and, if necessary,

(b) ordering him to re-transfer the mortgaged property to the judgment-debtor (mortgagor) or his nominee at his cost free from the mortgage and from all encumbrances created by the decree-holder (mortgagee), or any person claiming under him, or where the decree-holder (mortgagee) claims by derived title, by those under whom he claims, and also if necessary.

(c) ordering him to put the judgment-debtor (mortgagor) or his nominee in possession of the property.

(2) Where such deposit has been made, the purchaser shall be entitled to an order for repayment of the amount of the purchase money paid into Court by him together with a sum equal to five per cent thereof.

(3) The Court may, upon good cause shown and upon terms to be fixed by the Court, from time to time at any time before the sale is confirmed, extend the time fixed for the payment of the amount due under the decree, order, award or adjudication, including all subsequent costs, charges, expenses and interest.

ORDER XXXVII

(1) In Order XXXVII, substitute the following sub-rule (1) for the existing sub-rule (1) of rule 1:—

1. (i) This order shall apply to the following Courts, namely:—

(a) High Courts, City Civil Courts and Courts of Small Causes; and

(b) such other Courts as may be specifically empowered in this behalf by the High Court from time to time by a Notification in the Official Gazette:

Provided that in respect of the Courts referred to in clause (b), the High Court may, by notification in the Official Gazette, restrict the operation of this Order only to such categories or suits as it deems proper and may also from time to time, as the circumstances of the case may require by subsequent notification in the Official Gazette, further restrict, enlarge or vary, the categories of suits to be brought under the operation of this Order as it deems proper.

ORDER XXXVIII

(1) In Order XXXVIII, Rule 6 for the existing sub-rule (2) substitute the following as sub-rule (2):

(2) Where the defendant shows such cause of furnishes the required security or gives an undertaking to the Court to do or not to do a thing, and the property specified or any portion of it has been attached, the Court shall order the attachment to be withdrawn, or make such other order as it thinks fit.

ORDER XXXIX

(1) In Order XXXIX, after the existing rule 10, add the following rule with marginal note as new rule 11 and its marginal note:—

11.(1) Where the Court orders any party to a suit or proceeding to do or not to do a thing during the pendency of the suit or proceeding, or where any party to a suit or proceeding gives any undertaking to the Court to do or to refrain from doing a thing during the pendency of the suit or proceeding, and such party commits any default in respect of or contravenes such order or commits a breach of such undertaking, the Court may dismiss the suit or proceeding, if the default or contravention or breach is committed by the plaintiff or the applicant, or strike out the defences, if the default or contravention or breach is committed by the defendant or the opponent.

Procedure on parties
defying orders of
Court and
committing breach
of undertaking to
the Court.

(2) The Court may, on sufficient cause being shown and on such terms and conditions as it may deem fit to impose restore the suit or proceeding or may hear the party in defence, as the case may be, if the party that has been responsible for the default or contravention or breach as aforesaid makes amends for the default or contravention or breach to the satisfaction of the Court.

Provided that before passing any order under this sub-rule notice shall be given to the parties likely to be affected by the order to be passed.

ORDER XL

(1) In Order XL, for the existing rule 4 and its marginal note, substitute the following as rule 4 and marginal note:—

4. (1) If a Receiver fails to submit his account at such period and in such form as the Court directs, the Court may order his property to be attached until he duly submits his accounts in the form ordered.

Enforcement of
Receiver's duties.

(2) The Court may, at the instance of any party to any suit or proceeding in which a Receiver has been appointed or of its own motion, at any time not beyond three years from the date of his discharge by the Court, make an enquiry as to what amount, if any, is due from the Receiver as shown by his accounts or otherwise, or whether any loss to the property has been occasioned by his wilful default or gross negligence, and may order the amount found due or the amount of the loss so occasioned to be paid by the Receiver into Court or otherwise within a period to be fixed by the Court. All parties to the suit or proceeding and the Receiver shall be made parties to any such enquiry. Notice of the enquiry shall be given by registered post pre-paid for acknowledgement to the surety, if any, for the Receiver; but the cost of his appearance shall be borne by the surety himself, unless the Court otherwise directs:

Provided that the Court may, where the account is disputed by the parties and is of a complicated nature, or where it is alleged that loss has been occasioned to the property by the wilful default or gross negligence of the Receiver, refer the parties to a suit. In all such cases, the Court shall state in writing the reasons for the reference.

(3) If the Receiver fails to pay any amount which he has been ordered to pay under sub-rule (2) of this rule, within the period fixed in the order, the Court may direct such amount to be recovered either on the security (if any) furnished by him under rule 3 or by attachment and sale of his property, or if the property has been attached under sub-rule (1) of this rule, by sale of the property so attached, and may apply the proceeds of the sale to make good any amount found due from him or any loss occasioned by him and shall pay the balance (if any) of the sale proceeds to the Receiver.

(2) Insert following Order XL-A after Order XL:—

ORDER XL-A

Caveat Rules

1. Every Caveat under section 148A shall be signed by the Caveator or his Advocate and shall be in the form prescribed.

2. Every Caveat shall be presented by the party in person or by his Advocate to the Court or to the Officer authorised to receive the Caveat. Where the Caveator is represented by an Advocate his Vakalatnama shall accompany the Caveat. When an Advocate instructed by a party to act or appear in a matter has not been able to secure a Vakalatnama in the prescribed form duly signed by the client, he may file a written statement signed by him stating that he has instructions from or on behalf of his client to act or appear in the matter and also undertaking to file within a week a Vakalatnama in the prescribed form duly signed by the party.

3. The Caveat presented under Rule 2 shall be registered in a Caveat Register in Form given below. Before an application for any relief is made to the Court in any proceedings, it shall bear an endorsement from the office of the Court whether a Caveat has or has not been filed.

4. (1) A copy of the Caveat shall be served along with the notice required to be served under section 148A(2).

(2) On receipt of the notice of the Caveat, the applicant or his Advocate shall intimate to the Caveator or his Advocate, the expenses for furnishing the copies and request him to collect the copies on payment of the said expenses. The said expenses should be at the rate of 25 paise per folio of 100 words inclusive of cost of paper.

5. Every application for any relief in a proceeding should be supported by a statement on oath of the applicant stating that no notice under section 148A(2) is received by him or if received whether the applicant has furnished the copies of the application together with the copies of the papers or documents which have been filed or may be filed in support of the application to the Caveator as required by section 148A(4).

6. A notice under section 148A (3) may be served on the Caveator or his Advocate personally or by post Under Certificate of Posting. The notice sent Under Certificate of Posting at the address furnished by the Caveator shall be deemed to be sufficient service on him.

7. Where it appears to the Court that the object of granting ad interim relief on the application would be defeated by delay, it may record reasons for such opinion and grant ad interim relief of the application of the applicant till further orders after giving the Caveator an opportunity of being heard.

(FORM OF CAVEAT)

IN THE COURT OF ... AT ... SUIT/PETITION/
/APPEAL NO. ... 19 ...

In the matter of Caveat under
section 148 A of the Code of
Civil Procedure.

..... Caveator.

Pray that no orders be passed without due notice under section 148 A of the Code of Civil Procedure to the Caveator abovenamed in any application for ... (State in short reliefs to be prayed for) in Suit/ /Petition/Appeal No. ... of 19 ... of this Court (or in a Suit/Petition/Appeal likely to be filed in this Court) wherein ... is/may be Plaintiff/Petitioner/ /Appellant and ... is/may be the Defendant/Res- pondent.

The Caveator's address for service is ... The Caveator undertakes to the Court to give notice by Registered Post A.D. to ... the Plaintiff/Petitioner/ /Appellant abovementioned, at the following ad- dress...

Caveator

REGISTER OF CAVEAT (O. XL-A. R. 3)

Court of the ... of ... at Register of Caveat in the Year 19 ...

| Serial No. | Date of Caveat | Name of Caveator and his address for service | Nature of proceeding anticipated by caveator and its number if same is filed | Name of plaintiff Applicant in the proceeding in column No. 4 | Name of defendant Respondent in proceeding in column No. 4 | Date and number of proceeding filed as anticipated by Caveator | Date of notice served on Caveator | Remarks |
|------------|----------------|--|--|---|--|--|-----------------------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

ORDER XLI

(1) Substitute the following rule as rule 1 for the existing rule 1 in Order XLI:—

1. (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Court or to such officer as it appoints in this behalf. The memorandum shall be accompanied by a copy of the decree appealed from and (inless the Appellate Court dispenses therewith) of the judgment on which it is founded:

Provided that where two or more suits have been tried together and a common judgment has been delivered therefor and two or more appeals are filed against any decree covered by that Judgment, whether by the same appellant or by different appellants, the Appellate Court may dispense with the filing or more than one copy of the judgment.

Explanation:— "The copy of decree referred to in Rule 1(1) above shall include a deemed decree as provided in Order XX Rule 6A (2) (b)."

(2) The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

(3) Where the appeal is against a decree for payment of money, the appellant shall, within such time as the Appellate Court may allow, deposit the amount disputed in the appeal or furnish such security in respect thereof as the Court may think fit:

"Provided that the Court may dispense with the deposit or security where it deems fit to do so for sufficient cause."

(4) The appellant shall file along with the memorandum of appeal as many copies thereof on plain paper as there are respondents for being served on the respondents along with the notice of appeal:

Provided that the Court in its discretion may permit the appellant to file the necessary number of copies of the memorandum of appeal after the appeal is admitted, within such time as the Court may grant in this behalf.

(2) In Order XLI, after the existing rule 18, insert the following rule with marginal note as new rule 18A and its marginal note:—

18A. Where after the admission of an appeal the rules or the special direc- tions of the Court required the appellant to take any steps in the prosecution of the appeal before a fixed date, and where after due notice intimating the steps to be taken the appellant fails to take such steps within the time prescribed by the rules or allowed by the Court, the Court may direct the appeal to be dismissed for want of prosecution or may pass such other order as it thinks fit.

(3) In Order XLI, for the existing rule 19 and its marginal note, substitute the following as rule 19 and marginal note:—

19. Where an appeal is dismissed under rule 11, sub-rule (2) or rule 18A or rule 17 or rule 18, the appellant may apply to the Appellate Court for the re-admission of the appeal and where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing or in taking the necessary steps in the prosecution of the appeal or from depositing the sum so required, the Court shall re-admit the appeal on such terms as to costs or otherwise as it thinks fit.

(4) In Order XLI, rule 31, substitute a colon for the full stop appearing at the end of the rule and add thereafter the following proviso:—

Provided that where the judgement is pronounced by dictation to a short-hand writer in open Court the transcript of the judgment so pronounced shall, after making such corrections therein as may be necessary, be signed by the Judge or the Judges concerned and shall bear the date of its pronouncement.

(5) In Order XLI, rule 35 for the existing sub-rule (2) substitute the following as sub-rule (2):—

(2) The decree shall contain the number of the appeal the names and descriptions of the appellant and the respondent, their registered addresses, and a clear specification of the relief granted or the adjudication made.

(6) In Order XLI, after the existing rule 37, add the following rule and marginal note as new rule 38 and its marginal note:—

38. (1) The registered address filed under Order VI, rule 14A shall hold good during all appellate proceedings arising out of the original suit or petition, subject to any alteration under sub-rule (3) hereof.

Registered address to hold good during appellate proceedings.

(2) Every memorandum of appeal shall state the registered address given by the opposite parties in the Court below, and notices and processes shall issue from the Appellate Court to such addresses.

(3) Sub-rules (2) and (4) (i) and (ii) of rule 14-A of Order VI shall apply, as far as may be, to appellate proceedings.

ORDER XLIII

In Order XLIII, rule 1, for the existing clause (r) substitute the following as clause (r):—

(r) An order under rule 1, rule 2, rule 4, rule 10 or rule 11 of Order XXXIX.

ORDER XLV

(1) Order XLV, after sub-rule (2) of rule 2 insert the following as sub-rule (3):—

(3) (i) Whoever desires to appeal to the Supreme Court shall apply by petition to the Court whose decree is complained of.

Application to Court whose decree is complained of.

(ii) Notwithstanding anything contained in sub-rule (1) a party desiring to appeal to the Supreme Court may apply orally immediately after the pronouncement of the Judgment by the Court, and the Court may grant or refuse leave to the party to appeal to the Supreme Court or direct the party to file a petition as required by sub-rule (1):

Provided, however, that if an oral application for leave under sub-rule (2) is made and rejected, no written petition under sub-rule (1) shall lie.

(2) In Order XLV, rule 3, for the existing sub-rule (2) substitute the following as sub-rule (2):—

(2) Upon receipt of such petition, the Court shall direct notice to be served on the opposite party to show cause why the said certificate should not be granted, unless it thinks fit to refuse the certificate.

(3) In Order XLV, after the existing rule 7, insert the following rule with marginal note as new rule 7A and its marginal note:—

7A. No such security as is mentioned in clause (a) of sub-rule (1) of rule 7 above shall be required from the Union of India or a State Government or where Government has undertaken the defence of the suit from any public officer sued in respect of an act alleged to have been done by him in his official capacity.

Security not to be demanded from Union or State Government or Government servant defended by Government.

(4) In Order XLV, for the existing rule 15 and its marginal note, substitute the following as rule 15 and marginal note:—

15(1) (a) Any decree passed or order made by the Supreme Court in exercise of the appellate jurisdiction including any order as to the costs of, and incidental to any proceedings in that Court shall be enforceable in accordance with the provisions of law for the time being in force relating to the enforcement of the decrees or orders of the Court or Tribunal from which the appeal to the Supreme Court was preferred or sought to be preferred.

Procedure to enforce order of the Supreme Court.

(b) The costs incurred in the High Court as incidental to the Supreme Court Appeal including the costs in the application for leave to appeal to the Supreme Court shall be recoverable, where awarded, by execution of the order of the High Court in the same manner in which the decree or order of the High Court from which the appeal to the Supreme Court was preferred or sought to be preferred would have been executed.

(2) Unless the Supreme Court otherwise directs no decree or order of that Court shall be inoperative on the ground that no notice has been served on or given to the legal representative of any deceased opposite party or deceased respondent in a case, where such opposite party or respondent did not appear either at the hearing of the Court whose decree was complained of or at any proceedings subsequent to the decree of that Court but such order shall have the same force and effect as if it had been made before the death took place.

ORDER XLVI

In Order XLVI, after the existing rule 7 add the following rule with marginal note as new rule 8 and its marginal note:—

Rule 38 of Order XLI shall apply, so far as may be, to proceedings under this order.

Applicability of rule 38 of Order XLI.

ORDER XLVII

(1) In order XLVII, for the existing rule 5 and its marginal note, substitute the following as rule 5 and marginal note:—

Where the Judge, or judges, or any one of the Judges, who passed the decree or made the order a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause for a period of two months next after the application from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same:

Provided that if in the case of a decree or order passed by a Division Bench of two or more Judges of the High Court sitting at any place in the State of Maharashtra all the said Judges are not available for sitting together at one place when the review application is ready for hearing, the application may be heard by a Division Bench of two or more Judges, at least one of whom, if available, should be the Judge who had passed the decree or order a review of which is applied for.

(2) In Order XLVII, after the existing rule 9, add the following rule with marginal note as new rule 10 and its marginal note:—

10. Rule 38 of Order XLI shall apply so far as may be to proceedings under this Order.
 Applicability of rule 38 of Order XLI.

ORDER XLVII-A

After the existing Order XLVII, add the following Order with heading as new Order XLVII-A and its heading:—

ORDER XLVII-A

(1) Rule 38 of Order XLI, shall apply, so far as may be to proceedings under section 115 of this Code.
 Applicability of rule 38 of Order XLI.

ORDER XLVIII

In Order XLVIII, rule 1, for the existing sub-rule (2) and its marginal note, substitute the following as sub-rule (2) and marginal note:—

(2) The Court-fee chargeable for service of the process of Costs of service. The Court shall, except as provided for in sub-rule (2) of rule 1 of Order IV be paid when the process is applied for, or within such time as may be fixed by the Court.

ORDER XLIX

(1) In Order XLIX, for the existing rule 3 and its marginal note, substitute the following as rule 3 and marginal note:—

The following rules shall not apply to any Chartered Application of Rules. High Court in

the exercise of its ordinary or extraordinary civil jurisdiction, namely:—

- (1) rule 19A, Order V,
- (2) rule 10, clauses (b) and (c) of rule 11 and rule 14A of Order VI.
- (3) rule 14A of Order VI,
- (4) rule 3 of Order X,
- (5) rule 2 of Order XVI,
- (6) rules 5, 6, 8, 9, 10, 11, 13, 14, 15 and 16 (so far as relates to the manner of taking evidence) of Order XVIII,
- (7) rules 1 to 8 (both inclusive) of Order XX,
- (8) rule 72A of Order XXI,
- (9) rule 7 of Order XXXIII (so far as relates to the making of a memorandum), and
- (10) rule 38 of Order XLI;

and rules 31 and 35(4) of Order XLI shall not apply to any such High Court in the exercise of its appellate jurisdiction.

(2) In Order XLIX, after rule 3 as substituted above, add the following rule with marginal note as new rule 4 and its marginal note:—

Where on a memorandum of appeal presented to the High Court within the time prescribed for the same Powers of the Registrar of the High Court to accept court fees after the presentation of the appeal. the whole or any part of the fee prescribed by the law for the time being in force relating to Court-fees has not been paid, the Registrar may, in his discretion, allow the appellant to pay the whole or part, as the case may be, of such Court-fee after the presentation of the memorandum of appeal, and may admit the appeal to the register even though the Court-fee or part of it may have been paid after the time prescribed for the presentation of the appeal.

In Appendix B, for the existing Form No. 10, substitute the following as Form No. 10:—

No. 10

**TO ACCOMPANY RETURNS OF SUMMONS
OF ANOTHER COURT**

(Order 5, rule 23)

(Title)

Read proceeding from the service on _____ in Suit No. _____ forwarding for of that Court. _____ of 19 _____

Read Serving Officer's endorsement stating that the _____ and proof of the above having been duly taken by me on the oath of _____ and it is ordered that the _____ be returned to the _____ with a copy of this proceeding.

I hereby declare that the said summons on _____ has been duly served.

Judge.

Note.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner.

In Appendix E, for the existing Form No. 38, substitute the following as Form No. 38:—

No. 38

CERTIFICATE OF SALE OF LAND

(Order 21, rule 94)

(Title)

This is to certify that _____ has been declared the purchaser for Rs. _____ at a sale by public auction on the _____ day of _____ 19____, of in execution of decree in this suit, and that the said sale has been duly confirmed by this Court.

Given under my hand and the seal of the Court, this _____ day of _____ 19____

Judge.

In Appendix G, in Forms Nos. 2 and 3, the following shall be added as a note:—

Note.— Unless appropriately altered, the printed form binds the surety only to an immediate appeal from the decree mentioned in the bond, and does not cover any obligation in respect of any further appeal.

And further, in Form No. 3 of the said Appendix G, for the opening words "This security bond on stay of execution of decree executed by witnesseth—",

Substitute the following:—

"This security bond, on order being made for execution of decree, executed by _____ witnesseth—".

APPENDIX 'H'

In Appendix H, for the existing Form No. 11, substitute the following as Form No. 11:—

No. 11

NOTICE TO MINOR DEFENDANT AND GUARDIAN

(Order 32, rule 3)

(Title)

To

(1) (Natural Guardian/Legally appointed Guardian/Person taking care of the minor).

Whereas an application (as per the annexed copy) has been presented on behalf of the plaintiff in the above suit for the appointment of a guardian for the suit to the minor defendant (here enter the name of the minor defendant) and whereas the plaintiff has proposed in his application that you (here enter the name of the proposed guardian) should be appointed as such guardian you

the said proposed guardian are hereby required to take notice that, unless, you appear before this Court within days from the service of this notice upon you and express your consent to such appointment or an application is made to this Court to appoint some other person as guardian of the minor for the suit, the Court will proceed to appoint such person as it deems proper as the guardian of the minor for the purposes of the said suit.

Given under my hand and the seal of this Court, this _____ day of _____ 19____

Judge

No. 14

Following amendments be made in Form No. 14 in Appendix H of the First Schedule to the Code of Civil Procedure, 1908:

1. Columns of Register of Civil Suits should be numbered if they are not numbered.

2. Column for "Appearance" and sub-columns "Day for parties to appear", "Plaintiff" and "Defendant" should be deleted and in their place one general column "The first returnable date when the defendant is called upon to appear" should be substituted.

3. Column about particulars should be amended by substituting the words "Particulars" by "Nature of suit and particulars of relief".

4. Substitute following Note for the existing Note at the foot of the form:—

Note.— Where there are numerous plaintiffs or numerous defendants, the names of all the plaintiffs or all the defendants, as the case may be, should be entered in the register.

Amend Form No. 15 (Order 41, Rule 9), of Register of Appeals in Appendix 'H' as follows:—

(i) All the columns should be serially numbered, if they are not already numbered.

(ii) Column about particulars be amended by substituting for the words "Particulars" by the words "Nature of the Original suit and particulars of relief therein".

(iii) Columns under the general column "Appearance" should be amended by deleting the existing sub-columns and mentioning "The first returnable date when the respondent is called upon to appear".

High Court, Bombay

Dated this 21st day of December, 1985.

By Order,

K. R. BHARUCHA

Prothonotary and Senior Master

R. G. SINDHAKAR

Registrar